ATTENTION

THESE ARE DRAFT AMENDMENTS, ARE SUBJECT TO CHANGE, AND HAVE NO LEGAL STANDING

HALIFAX

REGIONAL SUBDIVISION BY-LAW

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OCTOBER 2014

THIS COPY IS A
REPRINT OF THE
REGIONAL SUBDIVISION BY-LAW
WITH AMENDMENTS TO
NOVEMBER 1, 2024

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SUBDIVISION BY-LAW

THIS IS TO CERTIFY that this is a true copy of the Halifax Regional Subdivision By-law which was passed by a majority vote of the Council of Halifax Regional Municipality on the 25th day of June, 2014, A.D., and approved by the Minister of Municipal Affairs on the 18th day of October, 2014, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 1st day of November, 2024.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this _____ day of _____, 20___, A.D.

_____
Municipal Clerk

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TITLE

1 This by-law may be cited as the "Subdivision By-law" of the Municipality **(RC-Jun 21/16;E-Jul 30/16)**.

APPLICATION AND ADMINISTRATION

2 (1) This by-law shall apply to the subdivision of land within all of the Municipality and shall be administered by the Development Officers of the Municipality. **(RC-Jun 21/16;E-Jul 30/16)**

(2) Appendixes 1 through **9** do not constitute part of this by-law but are included for information purposes only. **(RC-Jun 21/16;E-Jul 30/16)**

DEFINITIONS

3 In this by-law,

(a) "Agreement" means a written contract between the subdivider and the Municipality which describes the responsibilities of each party with respect to the subdivision and servicing of land as outlined in this by-law. **(RC-Jun 21/16;E-Jul 30/16)**

(b) "Area of land" means any lot or parcel as described by its boundaries, or as otherwise defined in a section of this **by-law (RC-Jun 21/16;E-Jul 30/16)**, but shall not include a private road.

(ba) "Building Official" means a building official or building officials appointed by the Council to administer and enforce the Building Code Act in the Municipality. (RC-Jun 21/16;E-Jul 30/16)

(c) "Capital costs" means the costs of providing new or expanded infrastructure systems needed to service the charge area. Capital costs may include necessary infrastructure external to the charge area. Cost estimates may be used. Costs may include design, construction, materials and cost escalators, interest during construction, financial costs, legal, surveying and land costs.

(d) "Charge area" means an area which has been designated by Council, **or in the case of Halifax Water by the Nova Scotia Utility and Review Board, (RC-Jun 21/16;E-Jul 30/16)** by amendment to this by-law in which infrastructure charges are to be levied.

(e) "Construction" means activities involved in the installation of primary and secondary services **and grading as per By-law G-200, Respecting Grade Alteration and Stormwater Management Associated with Land Development, as amended from time to time (RC-Oct 11/22;E-Nov 16/22),** for a subdivision and includes, but is not limited to, tree removal, grubbing, excavation and blasting.

(f) "Council" means the Council of the Municipality or any Community Council where applicable. **(RC-Jun 21/16;E-Jul 30/16)**

(fa) "Curve" means a deviation from a straight line without sharp breaks or angularity having a maximum radius of 100 m. (RC-Jun 21/16;E-Jul 30/16)

(g) Deleted (RC-Jun 21/16;E-Jul 30/16)

(h) Deleted (RC-Jun 21/16;E-Jul 30/16)

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(i) Deleted (RC-Jun 21/16;E-Jul 30/16)

(j) "Development Officer" means the **person or persons (RC-Jun 21/16;E-Jul 30/16)** appointed by Council to administer this by-law.

(k) "Encumbrances" mean, **any** legal, environmental, or physical constraint**(s)** on **land that is intended for future use as park dedication, public street or walkway,** that may limit its use and management or present unreasonable development or remediation costs to the Municipality. **(RC-Jun 21/16;E-Jul 30/16)**

(l) "Engineer" means the Municipal Engineers responsible for the approval of subdivision infrastructure and includes a person acting under the supervision and direction of the Engineer.

(la) "Engineering Regulations" means the latest edition of the Municipal Design Guidelines as approved by Council and/or the Halifax Regional Water Commission Design and Construction Specifications. (RC-Jun 21/16;E-Jul 30/16)

(m) "Equivalent value" means, for the purposes of park dedication, cash, site preparation, site development or any combination of land, cash, site preparation and site development.

(n) "Flag lot" means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole and where the "pole" portion of the lot contains the required lot frontage and lot access route **and which is designed to meet the requirements of section 34 of this by-law (RC-Jun 21/16;E-Jul 30/16), but excluding lots created pursuant to frontage exemptions in Sections 38, 43, 43A, 45, 49, 50, 52, 53, 59, 60, 62, 63, Clause 63(a), Sections 64, and 65 (RC-Oct 11/22;E-Nov 16/22)**.

(o) "Frontage" means:

(i) the distance between the side lines of a lot measured along a public street or highway, private road, or Schedule "A" road; and

(ii) where a lot is located on the outside of a curve on a public street or highway or private road the distance measured along a line joining points on the side lines of the lot which points are 6.1m from such street or road, or as otherwise provided for in a land use by-law.

(oa) "*HRM Charter*" means the *Halifax Regional Municipality Charter*, 2008, S.N.S., c. 39, as amended from time to time. (RC-Jun 21/16;E-Jul 30/16)

(ob) "Halifax Water" means the Halifax Regional Water Commission and its successors. (RC-Jun 21/16;E-Jul 30/16)

(p) "Halifax Regional Water Commission Design and Construction Specifications" means the latest edition of the specifications approved by the Commission Board in accordance with the *Halifax Regional Water Commission Act* and containing the minimum design standards and specifications for all municipal water distribution systems**, sanitary sewer systems and stormwater systems (RC-Jun 21/16;E-Jul 30/16)** required by this by-law.

(q) "Infrastructure charge" means a charge levied on a subdivider as a condition of subdivision approval within a charge area for the purpose of recovering capital costs associated with new or expanded infrastructure related to centralized water, sanitary and storm sewer systems, streets and intersections, traffic signs, signals and bus bays as well as other related or required infrastructure to service the charge area both on and off-site, along with any costs associated with land acquisition, surveying, studies or legal services.

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(r) "Island" means an area of land which is completely surrounded by navigable water at the ordinary high water mark.

(s) "Lot area" means the total area within the lot lines of a lot. In the case of lots abutting private roads or Schedule "A" roads, lot area shall not include any portion of the lot located within the private road or Schedule "A" road right of way.

(t) "Municipality" means the Halifax Regional Municipality, body corporate, as **continued** under the ***HRM Charter***. **(RC-Jun 21/16;E-Jul 30/16)**

(ta) "Municipal Design Guidelines" means the latest edition of the Municipality's specification document comprised of three parts: Part A – Design Guidelines; Part B - Standard Details and Part C - Drafting Standards as adopted by Council. (RC-Jun 21/16;E-Jul 30/16)

(tb) "NS Environment" means Nova Scotia Environment (formerly the Nova Scotia Department of Environment and Labour) and its successors. (RC-Jun 21/16;E-Jul 30/16)

(tc) "NSTIR" means the Nova Scotia Department of Transportation and Infrastructure Renewal (formerly the Department of Transportation and Public Works) and its successors. (RC-Jun 21/16;E-Jul 30/16)

(u) "Park dedication" means a useable parcel of land for public recreation purposes, or equivalent value. As outlined in Table A of section 83, all parkland shall be classified as one of the following classes: neighbourhood park, community park, district park, or regional park.

(v) "Primary services" means those services which must be installed and accepted by the authority having jurisdiction prior to accepting a public street or highway and include sanitary sewer, storm sewer, separated storm and sanitary sewer **laterals (RC-Jun 21/16;E-Jul 30/16)**, storm surface drainage, water system, valves and hydrants, water service laterals up to and including the lateral shut off valve, dry hydrants in areas without a water distribution system, street construction including all gravel layers and base lift of asphaltic concrete or Portland cement concrete pavement including curb and gutter backfilled, permanent stabilization of all exposed areas, driveways, guiderails, electrical and communication distribution system including underground conduit, street name signs and sign base and standards, and street lighting system. **(RC-Jan 13/15;E-Mar 14/15)**

(w) "Primary services stage I" means those primary services which include sanitary sewer, storm sewer, separated storm and sanitary sewer **laterals**, street construction to sub-grade including anti-dust gravel, driveways, surface drainage, water system, valves and hydrants, and water service laterals up to and including the lateral shut off valve and dry hydrants in areas without a water distribution system. **(RC-Jun 21/16;E-Jul 30/16)**

(x) "Primary services stage II" means all primary services other than primary services stage I and include street construction including base lift of asphaltic concrete or Portland cement concrete pavement including curb and gutter backfilled, guiderails, power poles, electrical and communication distribution systems, street name signs and sign base and standard for erecting traffic control signs, and street lighting system. **(RC-Jan 13/15;E-Mar 14/15)**

(y) "Private road" means any street or road, approved after December 31, 1984, which is not part of the street or highway network accepted by the Municipality or the Province, where:

(i) the right-of-way, alignment and gradient of the road **were** approved by the Municipality **or the Province**; **(RC-Jun 21/16;E-Jul 30/16)**

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(ii) the road extends to and has access to a public street or highway and where not totally located within the area of land proposed to be subdivided it shall be an easement for access which has been clearly granted to the subdivider by **grant of easement** registered in the Office of the Registrar of Deeds for the County of Halifax; and **(RC-Jun 21/16;E-Jul 30/16)**

(iii) the access with the existing public street or highway has been approved by the Municipality or **NSTIR**. **(RC-Jun 21/16;E-Jul 30/16)**

(z) "Professional Engineer" means a registered or licensed member, in good standing, of Engineers Nova Scotia. **(RC-Jun 21/16;E-Jul 30/16)**

(za) "Project Specification" means job specific supplementary specifications for any engineered device that is not addressed in the Engineering Regulations. (RC-Jun 21/16;E-Jul 30/16)

(zab) "Province" means the Province of Nova Scotia. (RC-Jun 21/16;E-Jul 30/16)

(aa) "Public street or highway" means any road, street or highway which has been accepted and maintained by the Municipality or the Province but excluding a walkway as defined by this by-law or designated controlled access highways pursuant to Section **21** of the *Public Highways Act* **and the HRM By-law S-900, the Controlled Access Streets By-law**. **(RC-Jun 21/16;E-Jul 30/16)**

(aaa) "Remainder" means the remaining portion(s) of an area of land for which no subdivision approval is requested. (RC-Jun 21/16;E-Jul 30/16)

(ab) "Rural street" means a public street or highway which is characterized as having a paved surface, gravel shoulder, non-piped storm sewer system and street lights.

(ac) "Sanitary sewer system" means a complete and properly functioning system owned and maintained by **Halifax Water** consisting of pipes or conduits, lateral lines from the pipes or conduits to street lines and appurtenances receiving and carrying water-borne wastes and includes any trunk sewers, pumping stations and treatment plants. **(RC-Jun 21/16;E-Jul 30/16)**

(ad) "Schedule "A" road" means a private right-of-way as identified in Schedule "A" of this by-law.

(ae) "Secondary services" means all services other than primary services and includes top lift of asphaltic concrete or Portland cement concrete pavement, sidewalks, walkways with approved surface, sodding, seeding, walkway lights and street trees. **(RC-Jan 13/15;E-Mar 14/15)**

(af) "Security" means cash, certified cheque**, bank draft,** an irrevocable letter of credit issued by a recognized financial institution in a format acceptable to the Municipality **(RC-Jun 21/16;E-Jul 30/16) or a development bond in a format acceptable to the Municipality. (RC-Oct 1/24;E-Nov 1/24)**

(ag) "Service requirement map" means the map identified as Schedule "B" of this by-law which lists the necessary elements of the primary and secondary services required for a subdivision depending on its geographic location.

(ah) "Sidewalk" means that portion of a street between the curb line and adjacent property line or any part of a street specifically designated for pedestrian travel and separated from the travelled way.

(ai) "Site development" means for the purposes of park dedication, the provision of a finished recreation facility product ready for public use.

(aj) "Site improvements" means**, for the purposes of park dedication,** the construction required to eliminate any environmental or physical encumbrances on land to be provided as the park dedication. **(RC-Jun 21/16;E-Jul 30/16)**

(ak) "Site preparation" means for the purposes of park dedication, the construction of a

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sub-base for the development of a future recreation facility. This includes any proportionate mass works, hydrology and erosion and sedimentation control measures.

(al) "**Stormwater** system" means a complete and properly functioning system receiving, carrying and controlling discharges in response to rain and snow which includes overland flow, subsurface flow, ground water flow and **ice and** snow melt, consisting of ditches, culverts, swales, subsurface interceptor drains, roadways, water courses, flood plains, canals, ravines, gullies, springs and creeks, and where applicable, curb and gutters, catch basins, manholes, pipes or conduits, control facilities, and lateral lines to the lots from the pipes or conduits to street lines. **(RC-Jun 21/16;E-Jul 30/16)**

(am) "Street line" means the boundary of a street.

(an) "Subdivider" means the owner of the lands proposed to be subdivided and includes anyone acting with written consent of the owner.

(ao) "Subdivision" means the division of an area of land into two or more parcels and includes any re-subdivision of an existing lot or a consolidation of two or more parcels.

(ap) "Surveyor" means a land surveyor who is a registered member in good standing of the Association of Nova Scotia Land Surveyors.

(aq) "Urban street" means a public street or highway which is characterized as having a paved surface, curbs, a piped storm sewer system, sidewalk, street trees and street lights.

(ar) "Useable" means, for the purposes of park dedication, a parcel of land which meets the requirements of section 83, is free of encumbrances and is naturally suitable or designed and constructed to be suitable for park dedication purposes.

(as) "Utility company" means any corporation which supplies an essential public service including, but not limited to power, telecommunications and natural gas.

(at) "Walkway" means a constructed walkway and land, other than land forming part of a public street or highway right of way, to be conveyed to the Halifax Regional Municipality to facilitate generally local pedestrian traffic not associated with recreation uses.

(au) Deleted: (RC-Jun 21/16;E-Jul 30/16)

(av) "Watercourse" means a lake, river, stream, ocean or other natural body of water.

(aw) "Water distribution system" means a complete and properly functioning system which is owned and maintained by Halifax Water and which consists of water mains, valves, hydrants and water service laterals from the water main to the lateral shut off valve, and appurtenances carrying and distributing potable water for domestic or fire protection purposes and includes any pumping stations, pressure control facilities and reservoirs. **(RC-Jun 21/16;E-Jul 30/16)**

3A (1) The Municipal Engineering Regulations 2013 are hereby **repealed (RC-Nov 09/21;E- Mar 19/22)**

(2) The Municipal Design Guidelines 2021 are hereby adopted by the Council and may be amended from time to time. (RC-Nov 09/21;E-Mar 19/22)

3B For greater certainty, park dedication is excluded from primary services, primary services stage II and secondary services (RC-Jan 13/15;E-Mar 14/15)

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GENERAL REQUIREMENTS

4 Words used in the present tense include the future. Words used in the singular include the plural and words used in the plural include the singular unless otherwise indicated. All other words carry their customary meaning except those defined herein **or defined by the *HRM Charter* or the *Interpretation Act*, *1989 R.S.N.S c.245,* as amended**. **(RC-Jun 21/16;E-Jul 30/16)**

5 Nothing in this by-law shall exempt any person from complying with the requirements of any land use by-law or any other by-law in force within **the** Municipality or from obtaining any license, permission, permit, authority or approval required by any other by-law of the Municipality or statute or regulation of the Province. **(RC-Jun 21/16;E-Jul 30/16)**

6 Where the provisions of this by-law conflict with those of any other municipal or provincial regulation, by-law or code, the higher or more stringent requirements shall prevail, except where the conflict is with the provisions of a land use by-law, in which case the requirements of the **applicable** land use by-law shall prevail. **(RC-Jun 21/16;E-Jul 30/16)**

7 Lots to be approved on a final plan of subdivision, and any Remainder for which no approval is requested, shall meet the minimum lot area and frontage requirements contained in the applicable land use by-law, or where there are no such requirements in a land use by-law, as required by this by-law. Where a subdivision is being developed in phases, the minimum required frontage for the Remainder shall be 20 metres for a rural street and 16 metres for an urban street.

8 All lots shall abut a public street or highway.

9 (1) **Unless otherwise provided for in sections 10, 11 or 12C of this by-law, n**o subdivision which creates lots for residential uses on new public streets or highways shall be approved within the areas designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Rural Commuter, Harbour **(**outside of the Urban Service Area as shown on Schedule "B"**)**, Rural Resource, Agricultural and Open Space and Natural Resources and on new roads identified as "Future **Community** Connector**"** on Map 1 of the Regional Municipal Planning Strategy. **(RC-Jun 21/16;E-Jul 30/16)**

(2) Except where otherwise provided in this by-law, lots shall have frontage on existing public streets or highways, private roads or Schedule "A" roads.

(3) For the purposes of subsection (2), **of this section, (RC-Jun 21/16;E-Jul 30/16) and Section 17, (RC-Jan 13/15;E-Mar 14/15)** "existing" includes:

(i) all public streets or highways or private roads or Schedule "A" roads in existence on August 26,2006;

(ii) within the Interim Growth Management Area identified on Schedule "H", those public streets or highways or private roads for which an active completed application for tentative or final subdivision approval was on

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file prior to January 22, 2004;

(iii) those public streets or highways or private roads created in accordance with section 10 and subsections (2), (3) **and (4)** of section 11; **(RC-Jun 21/16;E-Jul 30/16)**

(iv) within the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area, those public streets or highways for which an active completed application for tentative or final subdivision approval was on file on or before August 26, 2006; and

(v) within the Rural Area and the Central/Eastern Growth Management Area identified on Schedule "H", those public streets or highways or private roads for which an active completed application for tentative or final subdivision approval was on file on or before August 26, 2006.

10 (1) **W**ithin the Interim Growth Management Area **and Central/Eastern Growth Management Area (RC-Oct 11/22;E-Nov 16/22)** identified on Schedule "H", a subdivision which creates lots for residential uses involving new public streets or highways or private roads shown on **a completed application for concept approval** on file prior to January 22, 2004, shall be permitted subject to meeting the following requirements: **(RC-Jun 21/16;E-Jul 30/16)**

(a) no more than 25 lots plus a Remainder lot shall be approved per one year period; and

(b) the proposed lots must be contiguous and be designed to maximize the lot frontage of the street based on the applicable minimum required lot frontage.

(2) Where in the opinion of the Development Officer, it is necessary to provide for efficient street connections, the requirements of clause (1)(b) may be relaxed.

(3) Where a tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to subsection (1) has not been submitted prior to April 29, 2006, any subsequent subdivision application for these lands shall comply with the requirements of this by-law.

(4) Notwithstanding the January 22, 2004 date of subsection (1) and notwithstanding subsection (3), the subdivision of Lands of J. E. F. Hallett in Fall River (PID No's. 00506857 and 00506840), Lands of Atlantic East Properties Ltd. (Abbecombec Village) in Clam Bay (PID No. 41054024) shall be permitted **in accordance with concept plans approved on February 23, 2007 and April 24, 2007, respectively. (RC-Jun 21/16;E-Jul 30/16)**

11 (1) As provided for in the Regional Municipal Planning Strategy, within the Beaver Bank and Hammonds Plains Growth Control Areas identified on Schedule "J", and notwithstanding section 12, no subdivision which creates lots for residential uses shall be approved which includes a new public street or highway.

(1a) Notwithstanding subsection (1), within the areas identified on Schedule "J", a subdivision which creates lots for residential uses involving new public streets or highways may be approved where an active completed application for

tentative or final subdivision approval was on file on or before April 26, 2006. (RC-Jun 21/16;E-Jul 30/16)

(2) Notwithstanding section 9, within the portions of the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area outside of the areas identified on Schedule "J", a subdivision which creates lots for residential uses involving new public streets or highways shown on completed concept plan applications on file prior to April 2**6**, 2006, shall be permitted subject to meeting the following requirements: **(RC-Jun 21/16;E-Jul 30/16)**

(a) no more than 25 lots plus a Remainder shall be approved per one year period; and **(RC-Jun 21/16;E-Jul 30/16)**

(b) the proposed lots must be contiguous and be designed to maximize the lot frontage of the street based on the applicable minimum required lot frontage.

(3) Where in the opinion of the Development Officer, it is necessary to provide for efficient street connections, the requirements of clause (**2**)(b) may be relaxed. **(RC-Jun 21/16;E-Jul 30/16)**

(4) Where a tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to subsection (**2**) **was** not submitted **on or before** April 2**6**, 2007, any subsequent subdivision application for these lands shall conform to the requirements of sections 9 and 12 of this by-law. **(RC-Jun 21/16;E-Jul 30/16)**

12 **W**ithin the areas designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Rural Commuter and Rural Resource, **but excluding the area identified as Rural Area Designation under the Municipal Planning Strategy in the Eastern Passage/ Cow Bay plan area,** a subdivision which creates lots for residential uses involving new public streets or highways, shall be permitted subject to meeting the following requirements: **(RC-Jun 21/16;E-Jul 30/16)**

(a) no street shall intersect with the trunk and route highways identified on Schedule "K", except within the areas designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Rural Resource; **(RC-Jun 21/16;E-Jul 30/16)**

(b) no more than 8 lots plus a Remainder lot shall have frontage on any new public street or highway within any area of land:

(i) with a minimum of 20 m of frontage on **a public street that existed on April 26, 2006, from which access will be gained; or (RC-Jun 21/16;E-Jul 30/16)**

(ia) with a minimum 20 m frontage on a road reserve owned by NSTIR or the Municipality, that existed on April 26, 2006, that is capable of being upgraded to public street standards; and (RC-Jun 21/16;E-Jul 30/16)

(ii) that existed on or before **April** 26, 2006; **(RC-Jun 21/16;E-Jul 30/16)**

(ba) lots proposed to be created pursuant to lot frontage exemptions of this by-law are subject to the requirements of subsection (b), unless the required

minimum frontage is achieved on an existing public street or highway; (RC-Jun 21/16;E-Jul 30/16)

(c) the proposed lots must be contiguous and be designed to maximize the lot frontage of the public street or highway based on the applicable minimum required lot frontage; and

(d) no new public street or highway shall extend beyond the limit of the new lots being created**; and (RC-Jun 21/16;E-Jul 30/16)**

(e) For greater certainty, this section shall not apply within areas designated as Rural Commuter under the Regional Municipal Planning Strategy and designated as Rural Area Designation under the Municipal Planning Strategy in the Eastern Passage/Cow Bay plan area. (RC-Jun 21/16;E-Jul 30/16)

12A (1) Notwithstanding section 12 and subject to subsection 2 of this section, new streets serving residential uses are not permitted within the Noise Exposure Forecast 30 Contour, as shown on Schedule "O". (RC-Jan 26/16;E-Apr 2/16)

(2) Subsection 1 of this section shall not apply to the lands of Oakfield Estate Limited shown as PIDs 41189077, 41189085, and 41189093 on the approved tentative plans of subdivision dated June 13, 2014 and June 25, 2014, on file with the Municipality as File #18634 and #19193. (RC-Jan 26/16;E-Apr 2/16)

12B (1) Notwithstanding section 12, for the lands of Oakfield Estate Limited shown as PIDs 41189077, 41189085, and 41189093 on the approved tentative plans of subdivision dated June 13, 2014 and June 25, 2014, on file with the Municipality as File #18634 and #19193, new streets serving residential uses are not permitted. (RC-Jan 26/16;E-Apr 2/16)

(2) Subsection 1 of this section shall come into force on December 31, 2024. (RC-Jan 26/16;E-Apr 2/16)

12C Notwithstanding Section 12, within the portion of PID 40150567 designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Rural Commuter, a subdivision which creates lots for permitted uses involving new public streets shall be permitted subject to meeting the following requirements: (RC-May 4/21;E-June 05/21)

(a) the proposed lots must be contiguous and be designed to maximise the lot frontage of the public street based on the applicable minimum required lot frontage of the zone; (RC-May 4/21;E-June 05/21)

(b) where in the opinion of the Development Officer, it is necessary to provide for efficient street connections, the requirements of subsection (a) may be relaxed; and (RC-May 4/21;E-June 05/21)

(c) no new public street shall intersect with an existing public street other than Highway #7 or Giberson Drive. (RC-May 4/21;E-June 05/21)

13 (1) All proposed lots which abut a public street or highway shall have their access to a public street or highway approved in accordance with the requirements of the Municipality or the Province.

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(2) Subsection (1) does not apply to a proposed lot that abuts a public street or highway and has an existing access to the public street or highway, except where the proposed use of the lot being created requires a more restrictive access.

SERVICE AREA REQUIREMENTS

14 (1) For lots to be approved on a final plan of subdivision the subdivider shall provide the primary and secondary services in compliance with Schedule "B", the service requirement map. The subdivider shall, at its cost, design and construct all primary and secondary services to the subdivision boundary in accordance with the specifications and procedures as outlined in the current **Engineering Regulations** as outlined by the appropriate utility company. **(RC-Jun 21/16;E-Jul 30/16)**

(1a) Where lands to be subdivided are within the Urban Service Area, Water Service Area and the Serviced (sewer only) area, as identified on Schedule B, have frontage on an existing public street or highway which does not have Municipal sewer and/or water in that portion of the street or highway, the subdivider shall, at its cost, design and construct all primary and secondary services at least to the mid-point of the frontage of the last lot to be created by the proposed subdivision. (RC-Jun 21/16;E-Jul 30/16)

(2) Notwithstanding subsection (1) **& 1(a)**, within the Herring Cove Serviceable Area as identified in the Chebucto Peninsula (former Halifax County Municipality Planning District 5) Municipal Planning Strategy, the Development Officer may approve lots serviced by on-site sewage disposal and water systems with frontage on existing public streets or highways, prior to the installation of central sewer and water services by **Halifax Water**. **(RC-Jun 21/16;E-Jul 30/16)**

15 Notwithstanding Schedule "B", within the areas surrounding Kearney Lake Road and designated on the Generalized Future Land Use Map in the Halifax Municipal Planning Strategy as Residential Environments, the subdivider may provide the primary and secondary services in compliance with Urban Service Area requirements.

15A Notwithstanding Schedule "B", for Business and Industrial Parks operated by the Municipality within the area designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Urban Settlement and Business/Industrial Park, the subdivider may provide the primary and secondary services in compliance with Urban Service Area requirements.

16 Boundaries between service requirement areas shown on Schedule "B" shall be determined as follows:

(a) where a service boundary is depicted as approximately following lot lines, the boundary shall follow such lot lines;
(b) where a service boundary is depicted as following a street or highway, the boundary shall be the centre line of such street or highway;
(c) where a railroad right-of-way, electrical transmission line right-of-way or watercourse is included on the Schedule and serves as a boundary between two or

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more different areas, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between areas unless specifically indicated otherwise; or

(d) where none of the above provisions apply, the boundary shall be as determined by the Development Officer.

17 (1) Where the lots being created front on an existing public street or highway and the creation of these lots will not affect the overall adequacy of the existing services, such primary and secondary services as are unnecessary for the proper development of the subdivision are waived.

(2) For the purposes of subsection (1), it is the responsibility of the subdivider to demonstrate the adequacy of the existing service systems. The methodology and analysis must meet the requirements of the **Engineering Regulations**. **(RC-Jun 21/16;E-Jul 30/16)**

(3) If, in the opinion of the Engineer, the existing services are not adequate to accommodate the needs of the proposed subdivision, it shall be the responsibility of the subdivider to install, upgrade or reconstruct the existing services to accommodate the proposed subdivision.

(4) For the purposes of this section, existing is defined in subsection 9(3). (RC-Jun 21/16;E-Jul 30/16)

18 Where the proposed subdivision includes an extension of an existing public street or private road and the renaming or renumbering of the existing public street or private road is required by the Civic Addressing By-law, the subdivider shall be responsible for all associated costs. These costs shall be paid to the Municipality by the subdivider prior to construction.

19 Construction of primary or secondary services shall not take place until the requirements of section 126 of this by-law are met.

INFRASTRUCTURE CHARGES

20 Where a charge area has been established by Council, an infrastructure charge shall be paid by the subdivider in accordance with Schedules "F", "G", "L", M and N.

21 Final subdivision approval shall not be granted unless the infrastructure charge established under this by-law is paid or the subdivider has entered into an agreement with the Municipality deferring the payment of the infrastructure charge until such time as the Municipality has accepted the primary service system.

22 The Municipality and the subdivider may enter into an infrastructure charges agreement which may contain reasonable provisions with respect to any or all of the following:

(a) the payment of infrastructure charges in installments;

(b) the subdivider's provision of certain services in lieu of the payment of all, or part, of the charges;

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(c) the provision of security to ensure that the infrastructure charges are paid when due; or
(d) any other matter necessary or desirable to effect the agreement.

MUNICIPAL SERVICE AND STREET DESIGN REQUIREMENTS

23 The design of all public streets or highways in a subdivision shall be approved by the Engineer and shall be designated as one of the **classifications as defined in the Municipal Design Guidelines (RC-Nov 09/21;E-Mar 19/22).**

24 The characteristics of the street classification shall be as defined in the Municipal **Design Guidelines (RC- Nov 09/21; E- Mar 19/22).**

25 **Deleted (RC-Jun 21/16;E-Jul 30/16)**

26 Minor collector or higher classification streets shall be required where, in the opinion of the Engineer, based on accepted engineering practice:

(a) the density in the proposed subdivision necessitates such streets; or
(b) the proposed subdivision, which may be included within a charge area, is part of a larger development area within which the density will necessitate such streets.

27 Subdivisions shall be designed to accommodate the transportation corridors shown on Schedule "I".

28 (1) Where an existing public street or highway in an adjoining subdivision abuts the boundaries of an area of land shown on a plan of subdivision submitted for approval, the proposed public street or highway on the plan submitted shall be laid out and constructed as a prolongation of the existing public street or highway and the existing street shall be connected to the new street.

(2) Where adjacent land is undeveloped, the proposed public streets or highways on the submitted subdivision plan must be laid out and constructed in a manner which, in the opinion of the Development Officer, does not prejudice the development of the adjacent land.

29 **Deleted (RC-Jun 21/16;E-Jul 30/16)**

30 **Deleted (RC-Jun 21/16;E-Jul 30/16)**

30A Where any public street is constructed within an Urban Service Area after this **by-law** becoming effective, electrical power and telecommunication wires shall be installed underground from the utility pole within the street right of way to the individual properties and shall**: (RC-Jun 21/16;E-Jul 30/16)**

(1) be located in underground conduits from the utility pole to the street line;
(2) be installed in accordance with Utility company requirements; and
(3) include utility terminal points that are either within a designated easement area on private property or at the boundary where the street line meets the private property

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line and, in either case, the terminal points shall be in the form of termination/connection boxes.

LOT DESIGN REQUIREMENTS

31 (1) The lot frontage and lot area requirements of the land use by-law apply except as varied by this by-law.

(2) Notwithstanding sections 6 and 7, within the areas designated on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy as Rural Commuter, Rural Resource, Agricultural, Open Space and Natural Resource and Harbour, outside of the Urban Service Area and Water Service Area identified on Schedule "B", lots fronting the trunk and route highways identified in Schedule "K" shall have a minimum lot frontage of 61 m.

(3) Other than lots meeting the requirements of section 34, wherever possible, side lot lines shall be substantially at right angles or radial to street lines. (RC-Jun 21/16;E-Jul 30/16)

(4) Wherever possible, lots are to be uniform in shape and the rear lot lines of a series of adjoining lots are to be continuous, not stepped or jogged. (RC-Jun 21/16;E-Jul 30/16)

32 Repealed (RC-May 23/24;E-Jun 13/24)

32A Repealed (RC-May 23/24;E-Jun 13/24)

33 Lots shall not be subdivided to create a width or depth of less than 6**.1** m unless a lesser width or depth are permitted by an applicable land use by-law. **(RC-Jun 21/16;E-Jul 30/16)**

34 The Development Officer may approve a plan of subdivision creating no more than 3 flag lots which are contiguous **at any point (RC-Oct 11/22;E-Nov 16/22)** to each other. Flag lots shall be designed to meet the following requirements:

(a) to be capable of being serviced efficiently, based on sound engineering principles as approved by the Engineer and shall include easements for the common driveway route (if any) and for the applicable utilities;
(b) to have a minimum width and depth of 6.1m and a minimum angle of intersection with the street line of 30 degrees; and
(c) so that the area of the "flag" portion of the lot shall meet the lot area requirements of the applicable land use by-law.

35 Section 34 does not apply to applications for preliminary subdivision examination or tentative or final subdivision approval on file with the Municipality between May 20, 1997, and March 13, 2004.

36 All lots shall be designed to accommodate and not impede the transportation corridors as shown on Schedule "I".

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Defining Area of Land

37 (1) For the purposes of section 38, "area of land" means:

(a) any lot or parcel described by its boundaries as they existed on August 1, 1987; or

(b) the Remainder of any lot or parcel subdivided since August 1, 1987 for which the lot frontage exemptions of section 38 (former Halifax County Municipality Subdivision By-law section 14.1) were never applied; or

(c) areas of land which met the requirements of clause (a) or (b) which **have had their boundaries altered, but such alteration** did not **change** the general dimensional characteristics of the parcel**, and which have not** utilize**d** the provisions of section 38. **(RC-Jun 21/16;E-Jul 30/16)**

(d) any lot or parcel described in a plan or deed approved pursuant to the Land Titles Clarification Act for which the lot frontage exemptions of Section 38 (former Halifax County Municipality Subdivision By-law Section 14.1) were never applied.

(2) Notwithstanding the August 1, 1987 date of subsection (1), for the purposes of defining area of land, the date prior to April 29, 2006 shall apply to lands within the areas identified on Schedule "J" and the Open Space and Natural Resources designation as shown on the Generalized Future Land Use Map in the Regional Municipal Planning Strategy.

Lot Frontage Exemption

38 (1) Notwithstanding section 8 and subsection (2) of section 31, an area of land may be subdivided into 2 lots only, or one lot plus a Remainder lot, where either one or both lots do not meet the lot frontage requirements of sections 7, 8 and 31.

(2) Where a lot subdivided pursuant to subsection (1) does not abut a public street or highway, private road or Schedule "A" road, the proposed access to the lot, from its point of intersection with the public street or highway or private road to the lot, shall be shown on the subdivision plan.

Lot Frontage Exemption Ineligibility

39 Section 38 shall not apply:

(a) within the areas of the Sackville, Timberlea/Lakeside/Beechville, Cole Harbour/Westphal, Eastern Passage/Cow Bay, and the Musquodoboit Valley - Dutch Settlement Plan Areas that are serviced with a sanitary sewer system;

(b) within the Beaver Bank, Hammonds Plains and Upper Sackville Plan Areas that are serviced by central sewer or water;

(c) to properties which have frontage on Highway No. 207, within the Lawrencetown Plan Area;

(d) within specified zones within individual Plan Areas as follows:

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(i) properties zoned for commercial, industrial or community facility purposes within the Sackville Plan Area, Timberlea/Lakeside/Beechville Plan Area, Eastern Passage/Cow Bay Plan Area, Cole Harbour/Westphal Plan Area **and the Planning District 4 (Prospect) Plan Area**; **(RC-Jun 21/16;E-Jul 30/16)**

(ii) properties zoned for commercial or institutional purposes within the North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston Plan Area;

(iii) properties zoned R-1 (Single Unit Dwelling), P-2 (Community Facility), C-2 (General Business), C-4 (Highway Commercial), I-1 (Mixed Industrial, I-4 (former Sanitary Landfill Site) within the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area;

(vii) to commercial, industrial or community uses within the RR-1 (Rural Residential) zone within the Lawrencetown Plan Area;

(e) within the former City of Halifax, City of Dartmouth and Town of Bedford Plan Areas except for a property identified by PID No. 00270934; and

(f) within the Chebucto Peninsula (Planning District 5) Plan Area.

Relaxation of Lot Frontage and Area Requirements

40 (1) The Development Officer may approve a plan of subdivision creating not more than two lots which do not meet the requirements of sections 7 and 31 provided that the lot area and dimensions are not less than 90% of the required minimums. This provision shall not apply to the minimum lot area for lots served by an on-site sewage disposal system unless **NS Environment** has approved such lots for the installation of on-site sewage disposal systems. **(RC-Jun 21/16;E-Jul 30/16)**

(2) Notwithstanding section 7, for any lot in existence prior to November 20, 1992 within the Timberlea/Lakeside/Beechville Plan Area, June 16, 1994 within the Sackville Plan Area, March 3, 1993 within the Cole Harbour/Westphal Plan Area and October 5, 1992 within the Eastern Passage/Cow Bay Plan Area that has less than 36.576 m of frontage and abuts a street in which sewer and water services are available, the minimum lot frontage requirement is 15.24 m and the minimum lot area requirement is 464.5 m5.

(3) Notwithstanding the lot area requirements of section 7, for any serviced area of land in existence prior to March 22, 1993 within the North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston Plan Area with a lot area of less than 1114.84 m5, the minimum lot area requirement is 464.5 m5.

(4) Notwithstanding the lot area requirements of sections 7 and 31, where an area of land contains more than one main building, **built or placed on the land prior to the effective date of the respective land use by-law,** the Development Officer may approve a final plan of subdivision showing the same number or fewer lots as there are **main** buildings, provided that each proposed lot is approved by **NS Environment** or the Engineer, with respect to servicing and the Building **Official**, with respect to spatial separation. **(RC-Jun 21/16;E-Jul 30/16)**

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(5) Subsections (1), (2) and (3) shall not apply unless the land use by-law permits development on any lot created pursuant to these provisions.

Subdivision Permitted to Alter Lot Boundaries

41 (1) Notwithstanding sections 7, 8 and 31, the Development Officer may approve a plan of subdivision altering the boundaries of two or more areas of land where no additional lots are created and where:

(a) each lot meets the minimum dimensions for lot frontage of this by-law, or where a land use by-law is in effect, the land use by-law, or
(b) will not have its frontage, if any, reduced; and
(c) each lot meets minimum dimensions for lot area of this by-law, or where a land use by-law is in effect, the requirements of the land use by-law, or
(d) will not have its lot area reduced.

(2) Notwithstanding the requirements of clauses (1)(c) and (d), where **NS Environment** has informed the Development Officer in writing that all proposed lots shown on a plan of subdivision meet the requirements of the On-site Sewage Disposal Systems Regulations such lots shall be deemed to meet the lot area requirements contained in sections 7 and 31 of this by-law. **(RC-Jun 21/16;E-Jul 30/16)**

Subdivision Permitted to Rectify Encroachments

42 Notwithstanding sections 7, 8, 31 and 41, the Development Officer may approve a plan of subdivision where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land to the extent necessary and practical to remove the encroachment.

LOT DESIGN REQUIREMENTS APPLICABLE TO INDIVIDUAL PLAN AREAS

Prospect Plan Area
(former Halifax County Municipality Planning District 4)

Lots Permitted with 6.1 m of Frontage

43 Within the **Planning District 4 (**Prospect**)** Plan Area (former Halifax County Municipality Planning District 4) and notwithstanding the lot frontage requirements of section 7 and subsection 31(2), within the boundaries of any area of land that existed on March 3, 1995, the Development Officer may approve a plan of subdivision **creating lots for residential use,** showing a maximum of 3 lots having a minimum frontage of 6.1 m. **(RC-Jun 21/16;E-Jul 30/16)**

43A Within the Mixed Use Designation, within the Prospect Plan Area (former

Halifax County Municipality Planning District 4) and notwithstanding the lot frontage requirements of section 7 and subsection 31(2), a lot created pursuant to Section 38 prior to Council's first notice if its intention to adopt this provision may be further subdivided into no more than one additional lot provided the proposed lot is capable of being serviced by an existing shared driveway which has a minimum width of 6.1 metres at the public street; and has been certified by a professional engineer as having adequate access, egress and maneuverability for fire emergency vehicles. The intersection of the shared driveway with the access point at the public street must also meet the access requirements of the authority having jurisdiction for public streets or highways. (RC-Sep 8/15;E-Nov 7/15)

Fish & Boat Shed Lots

44 Within the Prospect Plan Area and notwithstanding the lot area requirements of section 7 and the frontage requirements of subsection 31(2), the Development Officer may approve a lot of any size, for the accommodation of fish and boat sheds that existed on March 3, 1995 subject to the following conditions:

(a) the lots shall only be created on lands designated Residential B, Rural Residential A, Rural Residential B, Rural Residential C, Rural Residential D, Rural Residential E and the Mixed Use Designation; and
(b) the lot created shall not contain an on-site sewage disposal system or any part thereof.

Chebucto Peninsula Plan Area
(former Halifax County Municipality Planning District 5)

Lots Permitted with Reduced Frontage

45 (1) Within the Chebucto Peninsula Plan Area (former Halifax County Municipality Planning District 5) and notwithstanding the lot frontage requirements of section 7 and subsection 31(2), the Development Officer may approve a plan of subdivision showing not more than 3 lots, or 2 lots plus a Remainder, where one or more of the lots do not meet the lot frontage requirements of the Land Use By-law for Chebucto Peninsula (former Halifax County Municipality Planning District 5) for an area of land :

(a) located outside the Urban Service Area; or
(b) zoned Herring Cove Residential (HCR) or Fishing Village (F-1) zone.

(2) Where a lot subdivided pursuant to subsection (1) does not abut a public street or highway or private road, the proposed access to the lot and any required utility or service easements shall be shown on the subdivision plan.

(3) For the purposes of this section, "area of land" means:

(a) a lot or parcel that existed on February 9, 1995 and has the same boundaries as they existed on that date; or
(b) the Remainder of any lot or parcel subdivided since February 9, 1995 for

which the lot frontage exemptions of subsection(1) of this section were never applied; or

(c) the lot or parcel has undergone an alteration since February 9, 1995 and, in the opinion of the Development Officer, such alteration did not substantially alter the dimensions of the lot or parcel.

46 Within the Chebucto Peninsula Plan Area, no subdivision on new or extended public streets or highways within the Herring Cove Residential (HCR) Zone or the Fishing Village (F-1) Zone shall be permitted unless a development agreement is approved pursuant to the relevant MPS policies.

Eastern Passage/Cow Bay Plan Area

One Lot Per Area of Land per Calendar Year

47 On any area of land within the Eastern Passage/Cow Bay Plan Area which is within the Rural Area Designation, the subdivision of new lots shall be limited to one lot per calendar year per area of land.

Eastern Passage/Cow Bay Plan Area and Cole Harbour/Westphal Plan Area

Same Number of Fewer Lots Than There Are Dwellings

47(A) Within the Eastern Passage/Cow Bay Plan Area and Cole Harbour/Westphal Plan Area, where an area of land contains more than one dwelling which was built or placed prior to June 22, 1992 the Development Officer may approve a final plan of subdivision showing the same number or fewer lots than there are dwellings provided that each lot:

(a) has a separate right-of-way to a public street or highway;
(b) has a minimum width of 6.1 metres;
(c) is serviced by a separate sanitary sewer system and a separate water distribution system; and
(d) has been reviewed by the Development Engineer, Building **Official** and the Development Officer is notified in writing that they will have no objection to the proposed subdivision. **(RC-Jun 21/16;E-Jul 30/16)**

Lawrencetown Plan Area

Lots Permitted on Highway No. 207 with 30.48 m of Frontage

48 Within the **Lawrencetown** Plan Area and notwithstanding the lot frontage requirements of the Land Use By-law for Lawrencetown and subsection 31(2), where an area of land which existed on November 29, 1990 has frontage on Highway No. 207, the Development Officer may approve a plan of subdivision showing not more than two lots or one lot and a Remainder which do not meet the lot frontage requirements of that land use by-law, provided the lot frontage **is not less than 30.48m**. **(RC-Jun 21/16;E-Jul 30/16)**

Lake Echo/Porters Lake Plan Area
(former Halifax County Municipality Planning Districts 8 & 9)

Lots Permitted with 6.1 m of Frontage

49 Within the Lake Echo/Porters Lake Plan Area (former Halifax County Municipality Planning Districts 8 & 9) and notwithstanding the lot frontage requirements of section 7 and subsection 31(2), within the boundaries of any area of land that existed on March 10, 1989, in any zone within the Mixed Use Designation, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots having a minimum frontage of 6.1 m.

Same Number or Fewer Lots Than There Are Buildings

50 Within the Lake Echo/Porters Lake Plan Area, where more than one main building exists on **an** area of land which existed on March 10, 1989, the Development Officer may approve a plan of subdivision showing the same number or fewer lots than there are **main** buildings, and a Remainder lot, provided that each proposed lot: **(RC-Jun 21/16;E-Jul 30/16)**

(a) has a minimum frontage of 6.1 m;
(b) has been reviewed by **NS Environment** and the Building **Official** and the Development Officer is notified in writing that they have no objection to the proposed subdivision; and **(RC-Jun 21/16;E-Jul 30/16)**
(c) the Remainder, if any, meets the lot area requirements of section 7, and has a minimum frontage of 6.1 m. **(RC-Jun 21/16;E-Jul 30/16)**

Fish and Boat Shed Lots

51 Within the Lake Echo/Porters Lake Plan Area and notwithstanding the lot area equirements of section 7 and the frontage requirements of subsection 31(2), the Development Officer may approve a lot on a plan of subdivision, which does not contain an on-site sewage disposal system or any part thereof, and which has a maximum area of 465 m5, and which is located on land zoned RE or MR having frontage on the Atlantic Ocean or its inlets or Porter's Lake south of Middle Porter's Lake Road.

Eastern Shore (West) Plan Area

Same Number or Fewer Lots Than There Are Buildings

52 Within the Eastern Shore (West) Plan Area, where more than one main building exists on **an** area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing the same number or fewer lots than there are **main** buildings, and a Remainder, provided that each proposed lot: **(RC-Jun 21/16;E-Jul 30/16)**

(a) has a minimum frontage of 6.1 m;
(b) is approved **by the Building Official and NS Environment** for the installation of an on-site sewage disposal system and the Development Officer is notified in writing of **their** approval; and **(RC-Jun 21/16;E-Jul 30/16)**
(c) the Remainder, if any, meets the lot area requirements of section 7, and has a

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minimum frontage of 6.1 m. **(RC-Jun 21/16;E-Jul 30/16)**

Lots Permitted with 6.1 m of Frontage

53 Within the Eastern Shore (West) Plan Area and notwithstanding the lot frontage requirements of section 7, within the boundaries of any area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing a maximum of three lots having a minimum frontage of 6.1m which are located on land zoned MU, R-6, FI or FV. This provision shall not apply to lots which front on Highway No. 7 or Highway No. 357.

Lots Permitted on Highway No. 7 or Highway No. 357 with 30.48 m of Frontage

54 Within the Eastern Shore (West) Plan Area and notwithstanding the lot frontage requirements of the Land Use By-law for Eastern Shore (West) and subsection 31(2), where an area of land which existed on March 29, 1996 has frontage on Highway No. 7 or Highway No. 357, the Development Officer may approve a plan of subdivision showing a maximum of 2 lots or one lot and a Remainder having a minimum lot frontage of 30.48 m.

Lots Permitted with an Area of 1858 m^2

55 Within the Eastern Shore (West) Plan Area and notwithstanding the lot area requirements of section 7, within the boundaries of any area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots each having a minimum lot area of 1,858 m5 which are located on land zoned MU, R-6, FI or FV.

Fish and Boat Shed Lots

56 Within the Eastern Shore (West) Plan Area and notwithstanding the lot area requirements of section 7 and the frontage requirements of subsection 31(2), the Development Officer may approve a lot on a plan of subdivision which does not contain an on-site sewage disposal system or any part thereof, and which has a maximum area of 465 m5, and which is located on land zoned FV, FI or MU having frontage on a navigable watercourse.

Waterfront Lots

57 Within the Eastern Shore (West) Plan Area, within the boundaries of any area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing not more than 6 lots, or 5 lots plus a Remainder, where the area of land abuts the shoreline of a navigable watercourse, provided that each proposed lot:

(a) has water frontage on a navigable watercourse;
(b) is located at least 2 km measured over land from any public street or highway or private road;
(c) has a minimum lot area of 4,645 m5;
(d) has a minimum water frontage width of 45.72 m measured in a straight line from

where the side lot lines meet the watercourse; and

(e) has a minimum lot width of 30.48 m measured between the side lot lines.

Lots Permitted with 6.1 m of Waterfrontage

58 Within the Eastern Shore (West) Plan Area, within the boundaries of any area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots each having a minimum waterfront lot width of 6.1 m which are located on land zoned MU, R-6, FI, or FV.

Eastern Shore (East) Plan Area

Same Number or Fewer Lots Than There Are Buildings

59 Within the Eastern Shore (East) Plan Area, where more than one main building exists on **an** area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing the same number or fewer lots than there are **main** buildings, and a Remainder, provided that each proposed lot: **(RC-Jun 21/16;E-Jul 30/16)**

(a) has a minimum frontage of 6.1 m;

(b) is approved by **the Building Official and NS Environment** for the installation of an on-site sewage disposal system and the Development Officer is notified in writing of **their** approval; and **(RC-Jun 21/16;E-Jul 30/16)**

(c) the Remainder, if any, meets the lot area requirements of section 7, and has a minimum frontage of 6.1 m. **(RC-Jun 21/16;E-Jul 30/16)**

Lots Permitted with 6.1 m of Frontage

60 Within the Eastern Shore (East) Plan Area and notwithstanding the lot frontage requirements of section 7 and subsections 31(2), within the boundaries of any area of land which existed on March 29, 1996, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots having a minimum frontage of 6.1 m which are located on land zoned MU, R-6A, or RE.

Fish & Boat Shed Lots

61 Within the Eastern Shore (East) Plan Area and notwithstanding the lot area requirements of section 7 and the frontage requirements of subsection 31(2), the Development Officer may approve a lot on a plan of subdivision showing a lot(s) which does not contain an on-site sewage disposal system or any part thereof, and which has a maximum area of 465 m5, and which is located on land zoned MU or RE having frontage on the Atlantic Ocean or its inlets.

Musquodoboit Valley - Dutch Settlement Plan Area

Same Number or Fewer Lots Than There Are Buildings

62 Within the Musquodoboit Valley-Dutch Settlement Plan Area, where more than 1 main

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building exists on **an** area of land which existed on May 3, 1996, the Development Officer may approve a plan of subdivision showing the same number or fewer lots than there are **main** buildings, plus a Remainder, provided that each proposed lot: **(RC-Jun 21/16;E-Jul 30/16)**

(a) has a minimum frontage of 6.1 m;
(b) is approved by **the Building Official and NS Environment** for the installation of an on-site sewage disposal system and the Development Officer is notified in writing of **their** approval; and **(RC-Jun 21/16;E-Jul 30/16)**
(c) the Remainder, if any, meets the lot area requirements of section 7, and has a minimum frontage of 6.1 m. **(RC-Jun 21/16;E-Jul 30/16)**

Lots Permitted With 6.1 m of Frontage

63 Within the Musquodoboit Valley-Dutch Settlement Plan Area and notwithstanding section 34 and the lot frontage requirements of section**s** 7 and 31(2), within the boundaries of any area of land in existence on May 3, 1996 and located within the Mixed Use Designation, the Development Officer may approve a plan of subdivision showing a maximum of 5 lots having a minimum frontage of 6.1 m and one lot having no frontage on a public street or highway. **This section does not preclude the application of Section 38 to any eligible area of land. (RC-Jun 21/16;E-Jul 30/16)**

63(a) Within the Musquodoboit Valley-Dutch Settlement Plan Area and nothwithstanding section 34 and the lot frontage requirements of section 7 and subsection 31(2), within the boundaries of any area of land in existence on May 18, 2017 on the lands identified as PID 00474965 in the Village Designation in Meaghers Grant, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots, in addition to all other exemptions permitted under this By-law, having a minimum frontage of 6.1 m each, and one lot having no frontage on a public street or highway. (RC-Oct 2/18; E-Nov 24/18)

Lots Permitted With Reduced Frontage

64 (1) Within the Musquodoboit Valley-Dutch Settlement Plan Area and notwithstanding the lot frontage requirements of section**s** 7 **and 31(2)**, where **an** area of land was in existence on May 3, 1996, the Development Officer may approve a plan of subdivision showing not more than two lots, or one lot plus a Remainder, where either one or both lots do not meet the lot frontage requirements of the Land Use By-law for Musquodoboit Valley-Dutch Settlement Area and section 7 **and subsection 31(2). This section does not preclude the application of Section 38 to any eligible area of land. (RC-Jun 21/16;E-Jul 30/16)**

(2) Where any lot or Remainder is created pursuant to subsection (1) without frontage on a public street or highway, a minimum 6.1 m wide right-of-way easement, extending from that lot to its point of intersection with the public street or highway, must be shown on the **final** plan of subdivision. In addition, the subdivider must convey such right(s)-of-way concurrently with the conveyance of the lot(s). **(RC-Jun 21/16;E-Jul 30/16)**

Former City of Dartmouth Plan Area

Same Number or Fewer Lots Than There Are Main Buildings

65 Within the former City of Dartmouth Plan Area and notwithstanding section 32, where an area of land contains more than one main building which was built or placed **on the area of land** prior to January 1, 1967, the Development Officer may approve a final plan of subdivision showing the same number or fewer lots than there are main buildings provided **that the Building Official has notified the Development Officer in writing of their approval, and provided** that each lot: **(RC-Jun 21/16;E-Jul 30/16)**

(a) has a separate right-of-way to a public street or highway,
(b) has a minimum width of 6.1 m; and
(c) is serviced by a separate sanitary sewer system and a separate water **distribution** system. **(RC-Jun 21/16;E-Jul 30/16)**

Loon Lake Developments Ltd. (Montague Estates)

65A Notwithstanding the requirements of section 8, the subdivision of Lands of Loon Lake Developments Ltd. (PID No's. 40698748 and 41188806) in Dartmouth shall be permitted with a maximum of 13 lots abutting Highway 107.

Former Town of Bedford Plan Area

Subdivision of Lots Having Less Than 36.576 m of Frontage

66 Within the former Town of Bedford Plan Area and notwithstanding the requirements of section 7, the Development Officer may approve a plan of subdivision showing **the subdivision of** a vacant lot located within an RSU or RTU zone held in separate ownership from adjoining parcels, prior to October 9, 1991, having less than 36.576 m of frontage, to create two lots, each of which shall have a frontage of not less than 15.24 m and a lot area of not less than 557.4 m5 provided that each lot is serviced with municipal sewer and water services. This option does not apply to a lot which is occupied by a non-conforming or illegal use. **(RC-Jun 21/16;E-Jul 30/16)**

Subdivision of Lots Containing Existing Dwellings

67 Within the former Town of Bedford Plan Area and notwithstanding the requirements of section 7, the Development Officer may approve a plan of subdivision showing **the subdivision of** a lot located within an RSU or RTU Zone containing an existing dwelling and held in separate ownership from adjoining parcels prior to October 9, 1991 to create two lots, each of which shall have a frontage of not less than 15.24 m and a lot area of not less than 557.4 m5, provided that each lot created is serviced with municipal central water and sewer services, and the common boundary line is located no closer than a hypothetical line extending from the front lot line to the rear lot line drawn **parallel** to the nearest main wall of the existing dwelling or attached garage at a distance specified by the minimum applicable yard requirement for the zone in which the lot is located. This

option does not apply to a lot which is occupied by a non-conforming or illegal use. **(RC-Jun 21/16;E-Jul 30/16)**

Subdivision of Unserviced Lots

68 Within the former Town of Bedford Plan Area and notwithstanding the requirements of section 7, the Development Officer may approve a plan of subdivision showing an unserviced lot located in an area zoned Residential Reserve (RR) provided that there was a dwelling on the lot prior to October 9, 1991. The newly created lots shall each have a minimum frontage of 36.576 m on a street which was public on or before October 9, 1991 and a minimum lot area of 4,047 m5.

LAND TITLES CLARIFICATION AREAS

Same Number or Fewer Lots Than There Are Buildings

68A Notwithstanding the lot area and frontage requirements of sections 7, 8 and 31, for any lot or parcel that has been issued a certificate of claim and is located within a Land Titles Clarification Area as defined by the *Land Titles Clarification Act*, where an area of land contains more than one main building, built or placed on the land prior to August 6, 1984, the Development Officer may approve a final plan of subdivision showing the same number or fewer lots than there are main buildings provided that each proposed lot:

(a) is approved by NS Environment or the Engineer, with respect to servicing and the Building Official, with respect to spatial separation; and
(b) has an easement for right-of-way and access that is assignable and perpetual and has been clearly granted by deed, registered in the registry of deeds.

PRIVATE ROAD PROVISIONS AND REQUIREMENTS

69 (1) Notwithstanding section 8, subdivision on private roads shall be permitted only where the proposed lots have frontage on an existing private road or Schedule "A" road.

(2) For the purposes of subsection (1), "existing" includes any private road for which an active completed application, in accordance with the requirements of this by-law, for tentative or final subdivision approval, was on file with the Municipality prior to January 22, 2004, and any application pursuant to section 10.

(3) Where a land use by-law is in effect, subdivision on private roads and Schedule "A" roads shall not be permitted unless the land use by-law permits development on lots which abut private roads or Schedule "A" roads.

70 (1) A private road may be approved as a separate parcel for the purpose of conveyance.

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(2) Where the boundary of a private road shown on a plan of subdivision is not intended to be a lot boundary, it shall be shown as a lighter solid line or a broken line.

(3) No part of a private road shall be included in the calculation of lot area for the purposes of meeting the lot area requirements of section 7.

71 (1) All proposed private roads shall be designed by a Professional Engineer to meet the applicable requirements for public streets or highways except that benching shall not be permitted in the design. All private roads shown on a final plan of subdivision shall be constructed in accordance with the following minimum requirements:

(a) roots, stumps, moss, sod and all other organic material shall not be placed in roadway fills or allowed to remain under roadway fills, except that an undisturbed natural ground surface may be allowed to remain under a roadway fill where such surface is covered by at least 1.5 m of non-organic fill;
(b) the minimum roadbed width inclusive of shoulders is 6.7 m, the minimum width of the travelled surface is 5.5 m and the road shall be centred within the right of way;
(c) the travelled surface shall have a base course of crushed, screened or pit run Class "C" gravel to a minimum thickness of 150 mm; the travelled surface may be paved in a manner acceptable to the Development Officer;
(d) the maximum road grade shall generally be 12%, except within 15 m of the intersection with a public street or highway in which case the maximum grade shall be 2%;
(e) culverts shall be constructed of steel or concrete pipe, have a minimum diameter of 500 mm, be buried a minimum of 500 mm below the road surface and shall be placed substantially at right angles to the road centreline; and
(f) all bridges shall be constructed to current Canadian Standards Association specifications.

(2) A drainage plan shall be submitted showing drainage of the as-constructed private road right of way through the use of culverts, ditches and natural watercourses of appropriate capacity. The subdivider shall be responsible for the effects of downstream flow onto other properties.

72 (1) Prior to approval of a final plan of subdivision which shows a private road, the subdivider shall:

(a) provide certification from a Professional Engineer which certifies compliance with the construction requirements of section 71;
(b) comply with the requirements of the Civic Addressing By-law relative to the installation of street name signs; and
(c) where the renaming or renumbering of an existing private road is required by the Civic Addressing By-law, the subdivider shall submit to the

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Municipality payment for the costs associated with renaming or renumbering the existing private road.

Approval of Lots on Schedule "A" Roads

73 Notwithstanding the requirements of section 8, the Development Officer may approve a final subdivision plan showing lots on a right-of-way which the Municipality has indexed in Schedule "A".

PRIVATE ROAD PROVISIONS APPLICABLE TO INDIVIDUAL PLAN AREAS

St. Margarets Bay Plan Area (former Halifax County Municipality Planning Districts 1 & 3), Prospect (former Halifax County Municipality Planning District 4) Plan Area and Eastern Shore (West) Plan Area

74 Within the St. Margarets Bay (former Halifax County Municipality Planning Districts 1 & 3), Prospect (former Halifax County Municipality Planning District 4) and Eastern Shore (West) Plan Areas, the subdivision of lots with frontage on existing private roads shall be permitted, with no restrictions on the number of lots created.

Chebucto Peninsula Plan Area
(former Halifax County Municipality Planning District 5)

75 Within the Chebucto Peninsula Plan Area (former Halifax County Municipality Planning District 5), the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road does not exceed 10. Where a private road was approved between December 31, 1984 and February 9, 1995 under the Subdivision By-law for Halifax County Municipality, there is no limit on the number of lots which may be created.

Lawrencetown Plan Area and Eastern Shore (East) Plan Area

76 Within the Lawrencetown and Eastern Shore (East) Plan Areas, the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road does not exceed 6.

Lake Echo/Porters Lake Plan Area
(former Halifax County Municipality Planning Districts 8 & 9)

77 Within the Lake Echo/Porters Lake Plan Area (former Halifax County Municipality Planning Districts 8 & 9) within the boundaries of any area of land in existence on March 10, 1989 and located within the Mixed Use Designation the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road does not exceed 10.

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North Preston/Lake Major/Lake Loon/Cherry Brook and East Preston Plan Area

78 Within the North Preston/Lake Major/Lake Loon/Cherry Brook and East Preston Plan Area the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road does not exceed 10.

Shubenacadie Lakes Plan Area
(former Halifax County Municipality Planning Districts 14 and 17)

79 (1) Within the **Planning Districts 14 & 17 (**Shubenacadie Lakes**)** Plan Area (former Halifax County Municipality Planning Districts 14 and 17) the subdivision of lots with frontage on existing private roads shall be permitted provided no more than 10 additional **shall be** approved **as of the effective date of** the 1984 Subdivision By-law for Halifax County Municipality **(December 31, 1984)**. **(RC-Jun 21/16;E-Jul 30/16)**

(2) The creation of lots having frontage on roads indexed in Schedule "A" of this by-law shall be limited to 3 lots per calendar year for each parcel of land having frontage on such a road.

(3) For McGuire Lane as listed in Schedule "A" of this by-law, any plan of subdivision showing lots with a minimum frontage of 30.48 m on the Lane, shall also show access to a public street or highway either by the lot abutting the public street or highway or where an easement for access has been clearly granted to the subdivider by **grant-of-easement**, registered in the Office of the Registrar of Deeds for the County of Halifax. **(RC-Jun 21/16;E-Jul 30/16)**

(4) Further to subsection (3), the access shall have a minimum width of 6.1 m.

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

80 Within the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area within the boundaries of any area of land which existed on November 9, 1999 the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road does not exceed 10, unless the lots to be created are in excess of 4 hectares, in which case there is no limit on the number of lots created.

Musquodoboit Valley-Dutch Settlement Area Plan Area

81 Within the Musquodoboit Valley-Dutch Settlement Area Plan Area:

(a) the subdivision of lots with frontage on existing private roads shall be permitted provided the maximum number of lots with frontage on an existing private road shall not exceed 10; and
(b) the creation of lots having frontage on a private road shall be limited to 3 lots per calendar year for each area of land having frontage on such a private road.

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PARK DEDICATION REQUIREMENTS

General Requirements

82 (1) Before receiving approval of a final plan of subdivision **and, if applicable, prior to the Municipality accepting a public street or highway (RC-Jan 13/15;E-Mar 14/15)**, the subdivider shall provide a park dedication to the Municipality which:

(a) if in the form of land, shall **not be less than** 10% of the total area of all newly created lots, including any proposed parkland, but excluding proposed public streets or highways, private roads, walkways and the Remainder of land owned by the subdivider; and **(RC-Jun 21/16;E-Jul 30/16)**

(b) if in the form of equivalent value, shall be equal to 10% of the estimated assessed market value of all newly created lots, excluding public streets or highways, private roads and walkways and the Remainder of land owned by the subdivider.

(2) Notwithstanding the 10% park dedication requirements of subsection (1), the subdivider shall provide a 5% park dedication before receiving approval of a final plan of subdivision pursuant to:

(a) clause (v) of subsection (3) of section 9;
(b) section 10;
(c) subsection (3) of section 11; or
(d) an active completed application for concept subdivision approval on file on or before August 26, 2006 within the Serviceable Areas identified on Schedule "H".

(3) The park dedication may be in the form of land, cash or equivalent value or a combination of land, cash and equivalent value, as determined by the Development Officer, as follows:

(a) land, where a deficiency in parkland exists;
(b) cash, where sufficient parkland or recreation facilities are available;
(c) site development, where sufficient parkland is available but a deficiency in recreation facilities, **as outlined in Table A of section 83 of this bylaw, or similar facilities as determined by the Development Officer,** exists; or **(RC-Jun 21/16;E-Jul 30/16)**
(d) a combination of land, cash and site development, where the land dedication required by section 83 will result in more than sufficient parkland to serve the surrounding area.

(4) Notwithstanding subsection (3), within the Bedford Plan Area, where a developed area of land is subdivided which is less than 11,148 m5 in area, the park dedication shall be in the form of cash. **(RC-Jun 21/16;E-Jul 30/16)**

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(4a) Notwithstanding subsection (3), within the Bedford Plan Area, where an area of land which is more than 11,148 m² in area is subdivided, the park dedication shall be in the form of land. (RC-Jun 21/16;E-Jul 30/16)

(5) Notwithstanding the 10% park dedication requirements of subsection (1), the subdivider shall provide a 5% park dedication for the first three lots subdivided from an area of land in existence on June 16, 2007 within the Halifax Regional Municipality.

(6) Notwithstanding the 10% park dedication requirements of subsection (1) there shall be no park dedication required for lots created pursuant Policy S-28C and S-28D.

Land Dedication Requirements

83 (1) Where the park dedication is to be provided in the form of land, it shall:

(a) serve to carry out the intent of public recreation policies as approved by Council;

(b) meet the requirements for the specific class of parkland as outlined in Table A as follows;

Table A - Parkland Classification & Service Delivery Criteria

	Parkland Type			
Criteria	**Neighbourhood Park (NP)**	**Community Park (CP)**	**District Park (DP)**	**Regional Park (RP)**
typical service area	300 +/- people 500 metre service radius 10 minute walk	1200 +/- people 2 km service radius Elementary or Junior High school	10 000 +/- people 5 km service radius Junior or Senior High school	will vary depending on unique physical or cultural heritage features
typical active and passive recreation facilities	play structures, footpath & trails, play meadow, watercourse access, paved court, gazebo shelter, drinking fountain, outdoor spray pool & skating rink, benches, picnic area, etc.	similar to NP plus sports fields, parking lots, watercourse access & engineered beach, washroom, etc.	similar to CP plus indoor/outdoor skating rink, change room, etc.	similar to DP plus indoor/outdoor sports complex, campground, etc.
typical complementary municipal facilities	mailbox, applicable primary and secondary municipal services	community mailbox, bulletin board, bus stop, applicable primary and secondary municipal services	community mailboxes, bus shelter, applicable primary and secondary municipal services	library, transit station, applicable primary and secondary municipal services

(c) be designed to take into account topography, hydrology, vegetation and property configuration and meet the quality of land criteria as outlined in Table B as follows;

Table B - Parkland Quality of Land Criteria

	Parkland Type			

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Criteria	Neighbourhood Park (NP)	Community Park (CP)	District Park (DP)	Regional Park (RP)
typical area	**Size Range** rural - 0.4 ha to 1.2 ha urban/suburban - 0.1 ha	**Size Range** 0.1 ha urban pocket park to 6 ha sports facility	**Size Range** 1 ha trail head to 10 ha multi purpose facility	**Size Range** varies from a single point of interest to a multi-purpose recreation, cultural heritage, or wilderness preservation **area (RC-Oct 11/22;E-Nov 16/22)**
minimum dimensions & property configuration	**Road Frontage** 30 metres **Water Frontage** 30 metres **Configuration** block	**Road Frontage** minimum of 30 m for the first ha & 2 additional metres/ 1000 square metres of additional land (20 m/ha) **Water Frontage** 30 metres **Configuration** block or linear	**Road Frontage** minimum of 30 m for the first ha & 2 additional metres/1000 square metres of additional land **Water Frontage** 30 metres **Configuration** block or linear	**Road & Water Frontage and Configuration** to be determined by use & purpose
location	- outside an existing HRM NP service area - frontage on local road	- outside an existing HRM CP service area - main entrance frontage on collector road - secondary pedestrian access on local road	- outside an existing HRM DP service area - main entrance frontage on collector or arterial road - secondary pedestrian and vehicle access on local or collector road	regionally significant recreation, natural environment, cultural heritage, wilderness preservation feature dependant
topography	**Road Frontage** +/- 1 metre of finished road grade **Maximum grade of 5%**	**Road Frontage** +/- 1 metre of finished road grade **Passive** First 1/3rd maximum 5% Remaining 2/3rds average 10% **Active** First 1/3rd maximum 5% Remaining 2/3rds average 5%	**Road Frontage** +/- 1 metre of finished road grade **Passive** First 1/3rd maximum 5% Remaining 2/3rds average 10% **Active** First 1/3rd maximum 5% Remaining 2/3rds average 5%	**Road Frontage** +/- 1 metre of finished road grade **Passive** First 1/3rd maximum 5% Remaining 2/3rds average 10% **Active** First 1/3rd maximum 5% Remaining 2/3rds average 5%
hydrology	sufficient land outside 1 in 10 year flood plain to accommodate intended park use			
vegetation	Retain a minimum of 25% natural vegetation Disturbed areas to be reinstated with 150mm topsoil and sod or approved equivalent	Designated Passive areas to retain minimum of 75% natural vegetation Designated Active areas to retain minimum of 25% natural vegetation Disturbed areas to be reinstated with 150 mm of topsoil and sod or approved equivalent		**Recreation** same as CP & DP **Conservation** silviculture can occur **Preservation** no alteration if pristine or reinstated to desired state if previously altered

(d) not include any **encumbrances except public (RC-Oct 11/22;E-Nov 16/22)** engineering infrastructure where the construction material and operational use: **(RC-Oct 11/22;E-Nov 16/22)**

i) does not impede the use of the public parkland; and (RC-Oct 11/22;E-Nov 16/22)

ii) does not materially interfere with the use and enjoyment of the park as determined by the development officer in consultation with Parkland Planning; and (RC-Oct 11/22;E-Nov 16/22)

(e) at the time of conveyance to the Municipality be certified, in a form acceptable to the Municipality, as being free of all legal encumbrances.

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(2) In addition to the requirements of subsection (1), where the presence of wetlands, bogs, contaminated soils, acid bearing slates or other environmental conditions serve to limit the useability of the parkland dedication, an environmental-assessment report may be required to determine if any negative impacts of these conditions are able to be mitigated by the subdivider.

(3) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(4) In addition to the requirements of subsection (1), where the land being subdivided abuts a natural watercourse, a portion of the lands to be dedicated to the Municipality shall provide at least one point of access to the shoreline which is useable for water-based recreational purposes.

(5) The Development Officer may waive **some or all of** the requirements of subsection (1), where the land exhibits or provides access to unique physical, ecological, cultural or heritage characteristics or features which are valuable for public access and interpretation. **(RC-Jun 21/16;E-Jul 30/16)**

Combination of Land and Equivalent Value (Site Development)
(RC-Jun 21/16;E-Jul 30/16)

84 Where the park dedication is to include site development, prior to construction or the approval of the final plan of subdivision by the Development Officer, the subdivider shall enter into an agreement with the Municipality which shall:

(a) identify the particular parcel of land to be developed;
(b) include design drawings, provided by the applicant for the required development and where necessary, include detailed construction drawings, site plans, specifications, and cost estimates of the proposed work; and
(c) identify the required process and conditions for supervision and acceptance of the proposed site development before the land is conveyed to the Municipality as the park dedication for the subdivision.

84A Where there is an approved concept plan in place for the proposed subdivision, which includes more than one phase to be developed, should the park dedication (land/equivalent value) in the phase of the subdivision being developed exceed the minimum park dedication required for that phase of the development, the additional park dedication shall be credited to a future phase(s) of the development. (RC-Jun 21/16;E-Jul 30/16)

Park Dedication Agreement

85 Notwithstanding section 82, in the alternative to conveying land prior to approval of a final plan of subdivision and where there is an approved concept plan in place, the Development Officer may permit the subdivider to post security **in a form and amount satisfactory of the Municipality and generally in the form exhibited in Appendix 9** and enter into an agreement with the Municipality to guarantee the park dedication in a future phase of the development. The agreement shall be generally of the form exhibited in Appendix **3**. **(RC-Jun 21/16;E-Jul 30/16)**

Park Dedication Exemptions

86 Section 82 of this by-law shall not apply to:

(a) the subdivision of land where no additional lots are created;
(b) the re-subdivision of land for individual semi-detached or townhouse dwelling units;
(c) the subdivision of land owned by the Municipality, in a business or industrial park**, or (RC-Jun 21/16;E-Jul 30/16)**
(d) the subdivision of an area of land for which park dedication, in the form of land, has previously been dedicated. (RC-Jun 21/16;E-Jul 30/16)

GROUNDWATER ASSESSMENTS FOR SUBDIVISIONS SERVICED BY PRIVATE WELLS

86A A ground water assessment must be provided for land eligible to be subdivided if:

(a) any area of land has been approved for residential lot development under an approved concept plan submitted pursuant to Sections 10 or 11 of this By-law; and
(b) the concept plan proposes ten (10) or more residential lots**.**

86B A final application must be accompanied by:

(a) a report prepared in accordance with the *Guide to Groundwater Assessments for Subdivisions Serviced by Private Wells*, prepared by Nova Scotia Environment, July 2011, as may be amended from time to time ("the Groundwater Assessment Guidelines"); and
(b) an opinion, prepared by a qualified independent hydrogeologist as defined by the Groundwater Assessment Guidelines, that the conclusions and recommendations contained in the report, prepared under clause (a) are valid and in accordance with the Groundwater Assessment Guidelines.

86C No subdivision approval for any lot shall be granted unless a positive recommendation has been provided through both the report and opinion provided under Section ~~86A~~ **86B**.

86D No groundwater assessment shall be required for any completed final subdivision application received by the Municipality on or before Council's first notice of intention to adopt this By-law.

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PRELIMINARY SUBDIVISION APPLICATION REQUIREMENTS - Optional

87(1) Where new public streets or highways or private roads are not to be constructed, the subdivider may submit an application for evaluation of a preliminary plan of subdivision to the Development Officer, together with **an electronic copy (RC-Oct 11/22;E-Nov 16/22)** of a preliminary plan of subdivision. **(RC-Jun 21/16;E-Jul 30/16)**

87(2) The **preliminary** plan **of subdivision** shall be drawn to scale, on one piece of paper and shall show the following information and documentation: **(RC-Jun 21/16;E-Jul 30/16)**

(a) the name and address of the owner;
(b) the name of each abutting subdivision or the names of the owners of all abutting land;
(c) the approximate dimensions and area of each proposed lot including the approximate frontage;
(d) each proposed lot, numbered for identification purposes, with no duplication of numbers, and where a parcel is being added to or subtracted from an existing lot, or where a lot shown on a plan of subdivision is being divided, the resulting lots shall be identified by the existing lot identifier and a number or letter; **(RC-Jun 21/16;E-Jul 30/16)**
(e) each Remainder identified by the letter "R" and a number; **(RC-Jun 21/16;E-Jul 30/16)**
(f) all existing structures on each proposed lot **and any Remainder(s)**; **(RC-Jun 21/16;E-Jul 30/16)**
(g) the identification, location, approximate dimensions and approximate area of land proposed to be reserved for park dedication and similar public recreation purposes;
(h) the approximate location, dimension and name of all existing and proposed public streets or highways, private roads and Schedule "A" roads;
(i) the approximate location and dimension of any proposed easement for shared driveway accesses, if any;
(j) the approximate location and dimension of any existing right-of-way, easement, railway line and utility line affecting the area of land proposed to be subdivided and any access to an existing public street or highway or private road;
(k) the approximate location of any watercourse, wetland, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the number of lots on the area proposed to be subdivided;
(l) the North **arrow**; **(RC-Jun 21/16;E-Jul 30/16)**
(m) the scale to which the plan is drawn;
(n) a key plan located on the top right-hand corner of the plan, with the same orientation as the area of land, showing the general location of the proposed subdivision with respect to the community within or closest to which it is located; **and (RC-Jun 21/16;E-Jul 30/16)**
(o) any other information required by the Development Officer in order to provide an evaluation.

88 The Development Officer shall forward a copy of the preliminary plan of subdivision to:

(a) in areas served by primary or secondary services, the authorities having

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jurisdiction;

(b) the authorities having jurisdiction for public streets or highways;

(c) in areas not serviced by a central sewer, **NS Environment** to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot: **(RC-Jun 21/16;E-Jul 30/16)**

(i) **Repealed (RC-Oct 11/22;E-Dec 28/22)**

(ii) **Repealed (RC-Oct 11/22;E-Nov 16/22)**

(iii) **Repealed (RC-Oct 11/22;E-Nov 16/22)**

(iv) is greater than 9000 square metres, has a width of 76 metres or more, and the applicant has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system; or (RC-Oct 11/22;E-Nov 16/22)

(ii) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (iv); and (RC-Oct 11/22;E-Nov 16/22)

(d) any other agency of the Province, the Municipality, or utility company which the Development Officer deems necessary.

89 Any agency forwarded a copy of the preliminary plan of subdivision pursuant to section 88 shall provide, if requested, a written report of its assessment or recommendation to the Development Officer.

90 The Development Officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.

CONCEPT SUBDIVISION APPLICATION REQUIREMENTS

91(1) Within the Urban Service Area as shown on Schedule B, where new public streets or highways are to be constructed in an area(s) of land being subdivided under the ownership of the subdivider, and where no concept plan has previously been **approved, or where subsection 2 of this section applies**, the subdivider shall submit an application accompanied by the following information: **(RC-Jun 21/16;E-Jul 30/16)**

(a) **Repealed (RC-Oct 11/22;E-Nov 16/22)**

(b) **Repealed (RC-Oct 11/22;E-Nov 16/22)**

(c) an electronic version of the concept plan in an acceptable file format;

(d) a processing fee payable to the Municipality in **accordance with Administrative Order 15 Respecting License, Permit and Processing Fees (RC-Jun 21/16;E-Jul 30/16); and**

(e) where requested by the development officer, paper copies of the concept plan, in the size and quantity requested by the development officer. (RC-Oct 11/22;E-Nov 16/22)

92 Upon approval of the concept plan by the Development Officer, tentative or final subdivision applications may be submitted to the Municipality provided that all other requirements of this by-law are met. (RC-Jun 21/16;E-Jul 30/16)

93 (1) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

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(2) Where the area of land is being subdivided in one phase, the completed tentative or final subdivision application shall satisfy the requirements of concept plan approval.

(3) Where the area of land is being subdivided pursuant to the provisions of section 12 of this by-law, a completed tentative or final subdivision application shall satisfy the requirements of concept plan approval. (RC-Jun 21/16;E-Jul 30/16)

94 The concept plan shall be:

(a) drawn to a scale sufficient for clarity of all particulars of the plan; (RC-Jun 21/16;E-Jul 30/16) and
(b) Repealed (RC-Oct 11/22;E-Nov 16/22)
(c) prepared by a Nova Scotia Land Surveyor or Professional Engineer and be based on the best available mapping or aerial photos. **(RC-Jun 21/16;E-Jul 30/16)**

94A The **concept** plan shall illustrate: **(RC-Jun 21/16;E-Jul 30/16)**

(a) the name of the proposed subdivision and of the owner of the area of land if different from the subdivision name, including the book and page number of the deed for the area of land as recorded in the name of the owner in the Registry of Deeds or Land Registration Office;
(b) the name of each abutting subdivision or the names of the owners of all abutting land;
(c) a key plan drawn to a scale not smaller than 1:50 000 located on the top right-hand corner of the plan, with the same orientation as the area of land, showing the scale to which the key plan is drawn and the community within or closest to which the proposed subdivision is located;
(d) the North **arrow**; **(RC-Jun 21/16;EJul 30/16)**
(e) the scale to which the plan is drawn;
(f) the internal street system of the development with connections to abutting public streets or highways and private roads, and anticipated major pedestrian traffic patterns;
(g) the location of all watercourses and wetlands within and adjacent to the area of land, any prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of sanitary sewer systems, storm sewer systems, water distribution systems, or public streets or highways and private roads;
(ga) watercourse buffers, in accordance with the requirements of the applicable land use bylaw. Where a wetland is contiguous with a watercourse the watercourse buffer shall be measured from the edge of the wetland; (RC-Jun 21/16;E-Jul 30/16)
(h) the proposed street names in accordance with the Civic Addressing By-law;
(i) the words "Concept Plan" above the title block along with an estimated lot yield figure, based on zoning and **NS Environment**'s lot size requirements, if applicable; **(RC-Jun 21/16;E-Jul 30/16)**
(j) a clear space for stamping, measuring at least 10 cm wide by 25 cm high and located in the lower left-hand corner of the plan;

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(k) the proposed subdivision phasing sequence;
(l) the proposed location of the park dedication in the form of land, including the delineation of any 1 in 10 year floodplain within the site;
(la) a table showing calculation of the approximate amount of park dedication required; (RC-Jun 21/16;E-Jul 30/16)
(m) existing on-site development, and existing and proposed community and commercial uses;
(n) all existing registered easements and rights-of-way;
(o) contours at a 5m interval minimum;
(p) the location of any municipal service boundary on the site; and
(q) any other information required by the Development Officer to determine if the concept plan conforms to this by-law.

95 Where the concept plan includes land under multiple ownership, the application must be accompanied by a letter of permission from all property owners.

96 The concept plan shall be accompanied by a traffic impact analysis, prepared by a Professional Engineer in accordance with the current version of the Municipality's Guidelines for the Preparation of Transportation Impact Studies, the level of detail of which shall be relative to the scope of the development.

97 Where the proposed subdivision is to be serviced by a sanitary sewer system, storm sewer system or water distribution system, the concept plan is to be accompanied by **an electronic copy, and where requested by the development officer, paper copies, (RC-Oct 11/22;E-Nov 16/22)** of a concept plan servicing schematic, prepared by a Professional Engineer in accordance with the **Engineering Regulations**, which in the context of the proposed street system and park land dedication shows: **(RC-Jun 21/16;E-Jul 30/16)**

(a) the existing and proposed site drainage patterns including the approximate total area of:
  (i) the proposed subdivision; and
  (ii) the land tributary to the proposed subdivision;
(b) the appropriate run-off coefficients;
(c) the existing and proposed sanitary sewer system, including pipe sizes, pumping stations and pressure sewers, and, a preliminary design summary in tabular form including development densities and sewer generation estimates which support the proposed sewer system;
(d) the existing and proposed water distribution system, including pipe sizes;
(e) the existing and proposed storm sewer system, including pipe sizes; and
(f) any other information required by the Development Officer to determine if the concept plan servicing schematic conforms to this by-law.

98 The Development Officer shall forward the concept plan and all supplementary information to appropriate departments in order to evaluate the plan in terms of:

(a) the design's consideration of topography, natural features, and other site constraints and restrictions;
(b) street layout, pedestrian routes, phasing sequence and connections with existing

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and proposed transportation links on a local and regional scale;

(c) the feasibility of the servicing plan, and the effect of the development on existing municipal services and the provision of future municipal services where applicable;

(d) the new or expanded infrastructure which will be required by the subdivision;

(e) location of the proposed park dedication and open space;

(f) location of any proposed community and commercial uses; and

(g) location of any postal service boxes as proposed by Canada Post.

TENTATIVE SUBDIVISION APPLICATION REQUIREMENTS - Optional

99 The subdivider may submit an application for approval of a tentative plan of subdivision which shall be consistent with the approved concept plan, if applicable. Where the tentative plan of subdivision is inconsistent with the approved concept plan or subdivision phasing sequence, the subdivider must first obtain approval of a new concept plan.

100 A subdivider who wishes to submit an application for approval of a tentative plan of subdivision shall submit to the Development Officer an application accompanied by the following information:

(a) **Repealed (RC-Oct 11/22;E-Nov /22)**

(b) an electronic version of the tentative plan in an acceptable file format;

(c) a processing fee payable to the Municipality in **accordance with Administrative Order 15 Respecting License, Permit and Processing Fees; (RC-Jun 21/16;E-Jul 30/16) and**

(d) where requested by the development officer, paper copies of the tentative plan, in the size and quantity requested by the development officer. (RC-Oct 11/22;E-Nov /22)

101 Tentative subdivision plans shall be:

(a) prepared by a Nova Scotia Land Surveyor; (RC-Jun 21/16;E-Jul 30/16) and

(aa) drawn to a scale sufficient to fully illustrate the information required. **(RC-Jun 21/16;E-Jul 30/16)**

(b) **Repealed (RC-Oct 11/22;E-Nov /22)**

102 Tentative subdivision plans shall show:

(a) the boundary of the area of land to be subdivided based on a description of the area of land to be subdivided;

(b) notwithstanding clause (a) where the tentative plan shows lots fronting on a proposed public street or highway or proposed private road, the plan shall show a boundary survey of the portion of the area of land to be subdivided, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the *Nova Scotia Land Surveyor's Act* and the Regulations made thereunder;

(c) the approximate dimensions of the Remainder lot, based on a description of the entire parcel, preferably but not necessarily as surveyed;

(d) the common name of the proposed subdivision and the name of the owner of the

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area of land, including the book and page number of the title document for the area of land as recorded in the name of the owner in the Registry of Deeds or Land Registration Office;

(e) the name of each abutting subdivision or the names of the owners of all abutting land;

(f) a key plan drawn to a scale not smaller than 1:50 000 located on the top right-hand corner of the plan, with the same orientation as the area of land, showing the scale to which the key plan is drawn and the community within or closest to which the proposed subdivision is located;

(g) the words "Tentative Plan" located above the title block;

(h) a clear space for stamping, measuring at least 10 cm wide by 25 cm high and located in the lower left-hand corner of the plan;

(i) the North **arrow**; **(RC-Jun 21/16;E-Jul 30/16)**

(j) the scale to which the plan is drawn;

(k) the date on which the plan was certified;

(l) the date of revision, if any, and the reason for revision;

(m) the approximate dimensions and total area of the area of land to be subdivided and the approximate dimensions and area of each proposed lot including the approximate frontage of each proposed lot according to clause 3(o);

(n) the boundary lines of existing lots being re-subdivided, consolidated or both shown as broken lines, with the new boundaries of these lots shown as solid lines;

(o) each proposed lot, individually identified without duplication of lot identifiers, and where a parcel is being added to or subtracted from an existing lot or where a lot shown on a plan of subdivision is being divided the proposed lot or lots shall be identified by the existing lot identifier and a letter;

(p) each Remainder identified by the letter "R" and a number; **(RC-Jun 21/16;E-Jul 30/16)**

(q) the identification, location and dimensions of the area of land proposed to be reserved for park dedication, including the delineation of any 1 in 10 year floodplain within the site;

(r) the locations of any community postal service box and telecommunication box;

(s) the location, dimensions and name of all existing and proposed public streets or highways, private roads and Schedule "A" roads; and the proposed street names in accordance with the Civic Addressing By-law;

(t) the approximate location and dimension of any proposed easement for shared driveway accesses, if any;

(u) the location and dimensions of any existing & proposed right-of-way, easement, railway line and utility line, including utility easements, affecting the area proposed to be subdivided and access to an existing public street or highway, walkway or private road;

(v) all existing structures on each proposed lot **and the Remainder, if any**, including civic numbers; **(RC-Jun 21/16;E-Jul 30/16)**

(w) the location of all watercourses and wetlands within and adjacent to the area of land, any prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the number of lots or the provision or layout of sanitary sewer systems, storm sewer systems, water distribution systems or public streets or highways or private roads;

(wa) watercourse buffers, in accordance with the requirements of the applicable land use bylaw. Where a wetland is contiguous with a watercourse the

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watercourse buffer shall be measured from the edge of the wetland. In addition, the watercourse buffer shall be shown graphically on the Remainder; (RC-Jun 21/16;E-Jul 30/16)

(x) the unique parcel identifier (PID) for all areas of land being subdivided; and

(y) any other information which the Development Officer deems necessary to determine if the tentative subdivision plan conforms to this by-law.

Drainage Plan

103 Where a proposed subdivision is to be serviced with primary or secondary services or by a private road, the subdivider shall provide **an electronic copy, and where requested by the development officer, paper copies, (RC-Oct 11/22;E-Nov /22)** of the complete drainage plan, prepared by a Professional Engineer in accordance with the **Engineering Regulations**, showing the following: **(RC-Jun 21/16;E-Jul 30/16)**

(a) the location of the proposed subdivision within the drainage area;

(b) the location and direction of flow of every watercourse;

(c) the receiving water of the proposed **stormwater** system; **(RC-Jun 21/16;E-Jul 30/16)**

(d) the approximate total area of:

  (i) the proposed subdivision; and

  (ii) the land tributary to the proposed subdivision and the appropriate run-off coefficients;

(e) contour lines at 2 m intervals or as otherwise required by the Engineer in order to determine site drainage patterns; and

(f) any other information required by the Development Officer to determine if the tentative subdivision plan conforms to this by-law.

Schematics

104 Where primary or secondary services or a private road is to be constructed, the Development Officer shall require the owner to provide **an electronic copy, and where requested by the development officer, paper copies, (RC-Oct 11/22;E-Nov /22)** of schematics, prepared by a Professional Engineer in accordance with the **Engineering Regulations**, showing the following, in the context of the proposed lots and park land dedication, where applicable: **(RC-Jun 21/16;E-Jul 30/16)**

(a) the existing and proposed water distribution systems;

(b) the existing and proposed sanitary sewer systems, including pumping stations and force mains and indicating the minimum slope of the sanitary sewer system;

(c) the existing and proposed storm sewer system;

(d) the existing and proposed public streets or highways or private roads within the proposed subdivision;

(e) a layout and description of existing and proposed utilities including:

  (i) street and walkway lighting;

  (ii) electrical distribution systems, including underground conduits and power poles;

  (iii) telecommunication systems;

  (iv) natural gas distribution system;

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(v) any other required utility;
(vi) location of postal service boxes; and
(vii) street trees.

(f) the proposed method of servicing if public central water and sewer services are not available;

(g) where there is a proposed public street or highway or private road to be constructed, the owner shall provide **an electronic copy, and where requested by the development officer, paper copies, (RC-Oct 11/22;E-Nov 16/22)** of the centre line profiles; and

(h) any other information required by the Development Officer to determine if the subdivision plan conforms to this by-law.

FINAL SUBDIVISION APPLICATION REQUIREMENTS

105 The subdivider shall submit an application for approval of a final plan of subdivision which must be consistent with the approved concept plan and tentative plan, if applicable. Where, in the opinion of the Development Officer, the final plan of subdivision is inconsistent with the approved concept plan or subdivision phasing sequence, the subdivider must first obtain approval of a new concept plan.

106 The subdivider shall submit to the Development Officer an application accompanied by the following:

(a) Repealed (RC-Oct 11/22;E-Nov /22)

(aa) a completed HRMSD-1 form, as specified in Schedule A6; (RC-Jun 21/16;E-Jul 30/16)

(b) an electronic version of the final plan in an acceptable file format;

(c) a processing fee payable to the Municipality **in accordance with Administrative Order Number 15 Respecting License, Permit and Processing Fees; (RC-Jun 21/16;E-Jul 30/16)**

(i) **Deleted (RC-Jun 21/16;E-Jul 30/16)**
(ii) **Deleted (RC-Jun 21/16;E-Jul 30/16)**
(iii) **Deleted (RC-Jun 21/16;E-Jul 30/16)**
(iv) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(d) the fees contained in the *Costs and Fees Act*, and its regulations, for registering subdivision plans, agreements, deeds, easements and all related documents of conveyance; **and**

(e) where requested by the development officer, paper copies of the final plan of subdivision, in the size and quantity requested by the development officer. (RC-Oct 11/22;E-Nov /22

Additions or Consolidations

107 Before approving a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships, the Development Officer shall have received:

(a) the executed deeds suitable for registering to effect the addition or consolidation;

(aa) the applicable completed forms for Land Registration (if required); (RC-Jun 21/16;E-Jul 30/16)

(b) the fees for registering the deeds;
(c) the affidavit of value, including particulars of any exemption, pursuant to Part V of the *Municipal Government Act*; and
(d) where applicable, the deed transfer tax.

108 (1) Audit inspection fees are required for each inspection of primary and secondary services. Inspections are to be conducted and charged in accordance with Administrative Order 15 Respecting License, Permit and Processing Fees. (RC-Oct 1/24;E-Nov 1/24)

(2) Prior to the acceptance of the primary or secondary services, **outstanding audit inspection fees due to the Municipality shall be paid. (RC-Oct 1/24;E-Nov 1/24)**

(a) **Repealed (RC-Oct 1/24;E-Nov 1/24)**
(b) **Repealed (RC-Oct 1/24;E-Nov 1/24)**

(3) Where new street signs and traffic signs are to be installed, the fees for these fixtures shall be received by the Development Officer prior to construction. **(RC-Jun 21/16;E-Jul 30/16)**

109 Where the proposed subdivision forms part of a larger area of land under the same ownership as the proposed subdivision, the final plan of subdivision shall show any remaining public street or highway and private road frontage and the dimensions of the Remainder, based on a description of the property to be subdivided, preferably, but not necessarily as surveyed. **(RC-Jun 21/16;E-Jul 30/16)**

110 (1) Final subdivision plans shall be:

(a) drawn to a scale sufficient to fully illustrate the information required; **and**
(b) **Repealed (RC-Oct 11/22; E-Nov 16/22)**
(c) certified and stamped by a Nova Scotia Land Surveyor that the lot(s) for which approval is requested have been surveyed in the manner required by the *Nova Scotia Land Surveyor's Act* and the regulations made thereunder.

(2) Notwithstanding the requirements of clause (1)(c), where Options A or C of subsection 126(2) are used, the certification may be waived until such time as the subdivision plan is to be granted final approval.

111 Final subdivision plans shall show:

(a) the name of the proposed subdivision and the owner of the area of land if different from the subdivision name including the book and page number of the deed for the area of land as recorded in the name of the owner in the Registry of Deeds or **the document number as recorded at** the Land Registration Office; **(RC-Jun 21/16;E-Jul 30/16)**
(b) the name of each abutting subdivision or the names of the owners of all abutting land;
(c) a key plan drawn to a scale **the location of the lot(s) or parcel(s) being**

surveyed, in terms of street, city, county and province or highway, district, county and province or in similar terms (RC-Oct 11/22; E-Nov 16/22);

(d) a clear space for stamping, measuring at least 10 cm wide by 25 cm high, and located in the lower left-hand corner of the plan;

(e) the North **arrow**; **(RC-Jun 21/16;E-Jul 30/16)**

(f) the scale to which the plan is drawn;

(g) the date on which the plan was certified;

(h) the date of revision, if any, and the reason for the revision;

(i) the dimensions and total area of the area of land to be subdivided and the dimensions and area of each proposed lot, including the frontage of each proposed lot according to clause 3(o);

(j) the boundary lines of existing lots being re-subdivided, consolidated or both shown as broken lines, with the new boundaries of these lots shown as solid lines;

(k) each proposed lot, individually identified without duplication of lot identifiers, and where a parcel is being added to or subtracted from an existing lot or where a lot shown on a plan of subdivision is being divided the proposed lot or lots shall be identified by the existing lot identifier and a number or letter;

(ka) each parcel being added to or subtracted from an existing lot shall be identified by a letter; (RC-Jun 21/16;E-Jul 30/16)

(l) **the approximate dimensions and area of the Remainder,** identified by the letter "R" and **the parent parcel identifier or** a number; **(RC-Jun 21/16;E-Jul 30/16)**

(m) the identification, location and dimensions of the area of land proposed to be reserved for park dedication, including the delineation of any 1 in 10 year floodplain within the site;

(n) the locations of any community postal service box and telecommunication box **and water shut-off valves**; **(RC-Jun 21/16;E-Jul 30/16)**

(o) the location, dimensions and name of all existing and proposed public streets or highways, private roads and Schedule "A" roads; and the proposed street names in accordance with the Civic Addressing By-law;

(p) the approximate location and dimension of any proposed easement for shared driveway accesses, if any;

(q) the location and dimensions and purpose of any existing and proposed right-of-way, **public or private** easement, railway line and utility line, including power poles, affecting the area proposed to be subdivided and access to an existing public street or highway or private road; **(RC-Jun 21/16;E-Jul 30/16)**

(qa) the location and dimensions of any proposed easement for a temporary turning "T", where the area proposed to be subdivided is part of a phased subdivision; (RC-Jun 21/16;E-Jul 30/16)

(r) the approximate location of all existing buildings, including civic numbers, on the area of land proposed to be subdivided **(including the Remainder)** in addition to the graphical and mathematical locations for all buildings within 3 m of the boundaries of the property; **(RC-Jun 21/16;E-Jul 30/16)**

(s) within and adjacent to the area of land, the location of all watercourses and wetlands, and including other areas prone to flooding;

(sa) watercourse buffers, in accordance with the requirements of the applicable land use bylaw. Where a wetland is contiguous with a watercourse the watercourse buffer shall be measured from the edge of the wetland. In addition, the watercourse buffer shall be shown graphically on the

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Remainder; (RC-Jun 21/16;E-Jul 30/16)

(sb) the 1 in 100 year flood limits (RC-Jun 21/16;E-Jul 30/16) for applications where primary and secondary services are required; **(RC-Oct 11/22; E-Nov 16/22)**

(t) the unique parcel identifier (PID) for all areas of land being subdivided;

(u) the lengths and bearings of the boundary lines of each proposed lot, public street or highway or private road, right-of-way, and easement, including the lengths of arcs, points of curvature and radii in the case of curved lines;

(v) the length and bearing of each tie line which connects at least one point on the boundary of the subdivision to the Nova Scotia co-ordinate system, as per the *Nova Scotia Land Surveyors Act*; and

(w) any other information which the Development Officer requires to determine if the final plan of subdivision conforms to this by-law.

112 Notwithstanding clauses 110(1)(c) and 111(i), (j) and (u), the final plan of subdivision prepared pursuant to section 41 shall:

(a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel proposed to be added to the existing area of land have been surveyed, shown as a solid heavy line, except the common boundary between the existing lots is surveyed and certified as being the common boundary shown as a heavy broken line; and

(b) notwithstanding clauses 110(1)(c) and 111(i) and the bearings provision of clause 111(u), other than the new boundaries which have been surveyed pursuant to clause (a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and

(c) have the following notation affixed to the plan adjacent to the certification required by the *Nova Scotia Land Surveyor's Act* and Regulations made thereunder, and such notation is signed by the surveyor:

"NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of Parcel ____. The common boundary between existing Lots ___ and ___ which is shown by a heavy broken line is hereby certified as having been the common boundary.

The remaining boundaries of the resulting lot shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey."

113 Where **a** lot frontage**, lot area or lot width** exemption of sections 38**, 43, 44, 45, 48, 49, 50, 52, 53, 54, 55, 57, 58, 59, 60, 62, 63, 64, 66 or 67 or subsections 40(2) or 40(3)** is used, the final plan shall bear a notation referencing the instrument that created the area of land. Where the area of land was not created as a result of an approved final plan of subdivision, the subdivision plan shall bear the following notation: **(RC-Jun 21/16;E-Jul 30/16)**

(a) **"Approval of Lot(s) _____ is requested pursuant to Section ____of the Regional Subdivision By-law.** Lot ___ is described in Bk ___ at Pg ____ recorded at the Registry of Deeds on _____". This exemption has not

previously been used for this area of land." **(RC-Jun 21/16;E-Jul 30/16)**

(b) Where the citation in clause (a) does not meet the area of land requirements of **the applicable exemption**, the following words are to be added to the end of the **second** sentence "... and is the same area of land described in Bk___ at Pg___recorded at the Registry of Deeds on _____." **(RC-Jun 21/16;E-Jul 30/16)**

114 Deleted (RC-Jun 21/16;E-Jul 30/16)

115 Deleted (RC-Jun 21/16;E-Jul 30/16)

116 Deleted (RC-Jun 21/16;E-Jul 30/16)

Required Engineering Design

117 Where primary or secondary services are required to be constructed, the Development Officer shall require the subdivider to provide **an electronic copy, and where requested by the development officer, paper copies, (RC-Oct 11/22;E-Nov 16/22)** of engineering drawings and reports, prepared in accordance with the **Engineering Regulations**, showing all applicable systems **including the following (RC-Nov 09/21;E-Mar 19/22):**

Sanitary Sewer Systems

(a) **Drawings of the existing and proposed sanitary sewer system shall be submitted including the size of the pipes, location of manholes, direction of flow and means of disposal of effluent, specifications and contract documents, all in conformance with the Halifax Water Design and Construction Specifications. (RC-Jun 21/16;E-Jul 30/16)**

(i) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(ii) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

Water Distribution System (RC-Jun 21/16;E-Jul 30/16)

(b) Drawings of the existing and proposed water distribution system shall be submitted including:

(i) the size of the pipes;

(ii) location of valves, services and fire hydrants, and

(iii) the calculations used to determine the hydraulic capacity of the system, all in conformance with the Halifax Water Design and Construction Specifications.

Stormwater Systems **(RC-Jun 21/16;E-Jul 30/16)**

(c) (i) Drainage Plan:

(A) **drawn to a scale that is sufficient, in the opinion of the Engineer, to fully illustrate the information required**; **(RC-Jun 21/16;E-Jul 30/16)**

(B) site layout including proposed Street and lots;

(C) pre and post development contours or spot elevations, at intervals not exceeding 2 m or based on the best available mapping;

(D) the location of every watercourse and its direction of flow;

(E) the location and layout of storm sewers (pipes, minor drainage

system) including manholes, catch basins, pipe size, grade and direction of flow;

(F) boundaries of pre-development and post-development sub-drainage areas tributary to each set of catch basins or pipes, including the size of the area in hectares with pre and post development run-off coefficients tributary to the point of discharge;

(G) the location and size of post development, retention or detention areas, if proposed;

(H) the predominant direction of surface flow including the route of flow of the major drainage system; and

(I) any other information required by the Development Officer to determine if the final subdivision plan conforms to this by-law.

(ii) System Design:

(A) an overall plan indicating the contributing area, the area tributary to each inlet, the existing and proposed storm sewer system, including the location of manholes and catch basins, the size of pipes, all culverts and the direction of flow;

(B) specifications and contract documents;

(C) storm drainage report complete with drainage plan;

(D) plan and profile drawings;

(E) cross-section and detail drawings; and

(F) where the installation of services is to be carried out in phases, a plan shall be submitted indicating a method to deal with runoff from the later phases onto or through areas being developed earlier.

(iii) Design Calculations:

Calculations are required including a tabulation of runoff to each inlet, design flow, pipe or channel size, flow velocity (minimum and maximum), depth of flow or percent full for each pipe, and energy losses at manholes during peak flow conditions. Where a computer model has been used, the design calculations shall include a summary output which gives the main steps of the simulation and the main results (peak discharge, time to peak and volumetric runoff coefficient) at key points of the system. This information shall be provided complete with a map indicating sub-watersheds and schematization of the system for pre-development conditions, post-development conditions and all stormwater management alternatives.

<u>Subdivision Grading Plan</u>

(d) (i) General:

(A) the subdivision grading plan shall be drawn at a scale of 1:500;

(B) a title block shall be used indicating the following:

(I) the name of the subdivision and community;

(II) lot numbers;

(III) the name, firm and address of the designer;

(IV) scale; and

(V) date (original and revisions) with revision information clearly identified;

(C) a grid north arrow shall be shown;

(D) existing and proposed elevations are to be related to geodetic

datum;

(E) a legend giving an explanation of symbols is to be provided;

(F) appropriate notes relative to construction requirements are to be provided;

(G) all lots and blocks within the subdivision are to be shown on one or more drawing sheets and are to be numbered in accordance with the plan of subdivision proposed for registration; and

(H) the grading and **stormwater** system construction to be performed by the subdivider prior to final subdivision approval is to be clearly indicated as well as systems to be constructed by subsequent lot owners. **(RC-Jun 21/16;E-Jul 30/16)**

(ii) Existing Conditions:

(A) existing information, to be field collected and representative of conditions at the time of design, is to be expressed as spot elevations or contours at maximum 1 m intervals on the specific lots and adjacent properties to adequately illustrate the drainage interrelation between properties with common property lines and the existing topography. As a minimum, existing elevation information is to extend 6.1 m onto adjacent properties;

(B) centreline street elevations and **the** related **stations** on the profile record drawings where such drawings exist; **(RC-Jun 21/16;E-Jul 30/16)**

(C) top of curb elevations at sideline extensions and driveway cuts;

(D) existing **stormwater** system elements, e.g., catchbasins, swales; **(RC-Jun 21/16;E-Jul 30/16)**

(E) public and private easements or rights of way;

(F) utility poles, fire hydrants, traffic signs, or other surface features adjacent to the lot;

(G) where a lot is adjacent to a watercourse or a major drain system exists on the lot, the normal water elevations and the 1 in 100 year water levels;

(H) where buildings exist on adjacent lots, the elevation at the adjoining corners of the building if located within 10 m of the lot limit; and

(I) any other items affecting storm water drainage.

(iii) Proposed Grading and **Stormwater** Systems: **(RC-Jun 21/16;E-Jul 30/16)**

(A) proposed road centreline elevations are to be shown in accordance with the **stations** of the profile drawings; **(RC-Jun 21/16;E-Jul 30/16)**

(B) the proposed elevations for all lot corners as well as intermediate points of grade change on all lot lines and sloped surfaces. The frequency of proposed elevations shall depend upon the degree of development (with developed areas requiring more detailed information) and also upon the topography;

(C) all swales along with proposed elevations at all lot lines or changes in direction of slope of the swale;

(D) all catchbasins, or other drainage structures, within and adjacent to the lots along with the grade elevation of the catchbasin and the

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invert of all inlet and outlet pipes;

(DA) notation shall be clearly provided on the subdivision grading plan(s) indicating that it is the responsibility of the Developer (subdivider) to fully construct, to final elevations, including proposed surface treatment, all private and public drainage easements, corridors and necessary components, prior to primary service acceptance; (RC-Jun 21/16;E-Jul 30/16)

(E) all areas that are to be left in an undisturbed condition;

(F) significant proposed slopes steeper than 4:1 (H:V);

(G) proposed surface treatment of disturbed areas is to be indicated;

(H) direction of surface flow to be indicated by arrows so that the proposed drainage patterns on all areas of the lot are clearly indicated;

(I) split in drainage direction is to be shown;

(J) proposed grading and design details of any retaining walls; and

(K) design details and location information for any other drainage appurtenances.

Street System

(e) The existing and proposed public street or highway systems abutting and within the proposed subdivision including:

(i) plan and profile drawings showing the centreline profiles of proposed public streets or highways and walkways;

(ii) design calculations including horizontal and vertical curve information; and

(iii) for rural streets, cross sections shall be provided at 30 m spacings or as otherwise required by the Development Officer.

Park Dedication

(f) Details of any proposed grading and site development, site improvements and site preparation for any park dedication in the form of land.

117A The complete engineering drawings and design shall be signed and stamped by a Professional Engineer. (RC-Jun 21/16;E-Jul 30/16)

117B Engineering plans shall be prepared and submitted in accordance with the Engineering Regulations. (RC-Jun 21/16;E-Jul 30/16)

117C The details of the engineering design and specifications shall include all necessary information required to bid upon and construct the services and shall conform to the Municipality's standards and procedures. (RC-Jun 21/16;E-Jul 30/16)

118 Deleted (RC-Jun 21/16;E-Jul 30/16)

Drawing Requirements

119 The complete engineering drawings and design shall comply with the **Engineering Regulations** and shall be signed and stamped by a Professional Engineer. **(RC-Jun 21/16;E-Jul 30/16)**

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Plan and Profile

(a) The plan and profile drawings shall be drawn to:
  (i) a horizontal scale of 1:500 or 1:200 where greater detail is required; and
  (ii) a vertical scale which is a ratio of the horizontal scale (vertical to horizontal) of 1:10.

(b) The plan portion of the engineering drawings shall include:
  (i) the location and dimensions of all existing and proposed public streets or highways and shall have the name of each road printed outside the road lines;
  (ii) the proposed lot lines;
  (iii) the **station** at 30 m intervals; **(RC-Jun 21/16;E-Jul 30/16)**
  (iv) the control monuments and bench marks within the area of the plan;
  (v) the sanitary sewer system and **stormwater** system showing the lengths, sizes and types of all pipes and the direction of flows; **(RC-Jun 21/16;E-Jul 30/16)**
  (vi) the water distribution system including all valves, hydrants, tees, bends and services and all other fittings, showing the lengths, sizes and types of all pipes as per the requirements of Halifax Water; **(RC-Jun 21/16;E-Jul 30/16)**
  (vii) separate sanitary and storm drainage hook-ups and water service pipes to proposed and existing lots;
  (viii) the surface drainage and related structures;
  (ix) the major and minor storm drainage systems;
  (x) trees;
  (xi) the proposed park dedication, if in the form of land;
  (xii) curbs, gutters and sidewalks;
  (xiii) location of driveways;
  (xiv) catch basins and inlet or outlet pipes;
  (xv) street lighting services;
  (xvi) any other structures within the public street or highway including street name and regulatory signs, electrical underground locations, telecommunications, power poles and other utility company infrastructure;
  (xvii) Canada Post Community Mail Box locations; and
  (xviii) any other information required by the Development Officer.

(c) The profile portion of the engineering drawings shall include the existing and proposed location and vertical alignment and slope of:
  (i) the centreline of any public street or highway or easement;
  (ii) the complete sanitary sewer system and **stormwater** system including all appurtenances and pipe lengths, sizes, types, classifications and slopes; **(RC-Jun 21/16;E-Jul 30/16)**
  (iii) the complete water distribution system including all appurtenances and pipe lengths, sizes, types and classifications; and
  (iv) any other underground services and appurtenances.

(d) The information required on plan and profile drawings shall be shown:
  (i) at intervals based on sound engineering principles;
  (ii) to a distance of 6.1 m beyond each public street or highway boundary line; and
  (iii) for a distance of 50 m where future road extensions may occur in which

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case only the existing and proposed grade of the street at centreline are required.

Cross Section and Details

(e) The cross section and detail portions shall fully illustrate the subject matter. The cross section portion of the engineering drawings shall include existing and proposed:
   (i) ground conditions;
   (ii) public streets or highways; and
   (iii) service systems.

Standard Drawing Sizes

(f) Engineering plans, including subdivision grading plans, shall be on white process paper and shall comply with the drawing requirements of the **Engineering Regulations**. **(RC-Jun 21/16;E-Jul 30/16)**

Cost Estimates

120 The subdivider shall submit cost estimates prepared in accordance with Appendixes 3, 4, 5 and 6.

Construction Specifications

121 Each submission shall include a copy of the Project Specification which shall include any supplements to the **Engineering Regulations**. **(RC-Jun 21/16;E-Jul 30/16)**

GENERAL PROCEDURE FOR SUBDIVISION APPLICATION REVIEW

122 Application for approval of a concept, tentative or final plan of subdivision shall be made to the Development Officer.

123 The Development Officer shall comply with the notification and approval provisions of the ***HRM Charter***. **(RC-Jun 21/16;E-Jul 30/16)**

124 The Development Officer shall forward a copy of the plan of subdivision, the required engineering design drawings and cost estimates to:

(a) in areas served by primary or secondary services, the authorities having jurisdiction;
(b) the authorities having jurisdiction for public streets or highways and private roads;
(c) in areas not serviced by a central sewer, **NS Environment** to determine compliance with the On-site Sewage Disposal Systems Regulations, except where the proposed lot: **(RC-Jun 21/16;E-Jul 30/16)**
   (i) **Repealed (RC-Oct 11/22;E-Nov 16/22)**
   (ii) **Repealed (RC-Oct 11/22;E-Nov 16/22)**
   (iii) **Repealed (RC-Oct 11/22;E-Nov 16/22)**
   (iv) Repealed (RC-Oct 11/22;E-Nov 16/22)
   (v) is greater than 9000 square metres, has a width of 76 metres or more, and the applicant has certified on the application that the proposed lot

is not intended for a purpose requiring an on-site sewage disposal system, or (RC-Oct 11/22;E-Nov 16/22)

(vi) contains an on-site sewage disposal system and is being increased in size, provided all other proposed lots shown on the plan meet the requirements listed in subclause (v); (RC-Oct 11/22;E-Nov 16/22)

(d) any other agency of the Province, the Municipality, or utility company which the Development Officer deems necessary.

125 Any agency forwarded the information pursuant to section 124 shall provide, if requested, a written report of its assessment or recommendation to the Development Officer.

AGREEMENTS AND SECURITY

Subdivision Agreement

126 (1) Prior to the installation of any primary or secondary services or the approval of the final plan of subdivision by the Development Officer **or the acceptance of the parkland dedication by the Municipality (RC-Jan 13/15;E-Mar 14/15)**, the subdivider shall enter into an agreement with the Municipality. Upon execution, this agreement shall be filed **in the Land Registration Office**. **(RC-Jun 21/16;E-Jul 30/16)**

(2) The agreement referenced in subsection (1) shall be generally **in a** form **acceptable to the Municipality,** and shall include the following options: **(RC-Jun 21/16;E-Jul 30/16)**

(a) "Option A" - Upon execution of the agreement, the subdivider may commence construction of the primary services; however, no lots shall receive final approval nor shall Building Permits be issued until **acceptance of the parkland dedication and (RC-Jan 13/15;E-Mar 14/15)** acceptance of the primary services and until receipt of performance security, in the amount of 110% of the approved estimated costs for the installation of the secondary services, to guarantee their installation.

(b) "Option B" - Upon execution of the agreement, the subdivider may commence construction of the primary and secondary services and shall deposit, with the Municipality, performance security, in the amount of **110% of the estimated assessed value of the parkland dedication and (RC-Jan 13/15;E-Mar 14/15)** 110% of the approved estimated costs for the installation of the primary and secondary services, to guarantee their installation. Upon receipt of the performance security by the Municipality, lots within the subdivision may be approved and Building Permits issued, however, Occupancy Permits shall not be issued until acceptance of the primary services.

(c) "Option C" - Upon execution of the agreement, the subdivider may commence construction of the primary and secondary services. No lots shall receive final approval nor shall Building Permits be issued until **acceptance of the parkland dedication and (RC-Jan 13/15;E-Mar 14/15)** acceptance of the primary and secondary services.

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127 (1) The agreement shall include terms and conditions respecting:

(a) the scheduling of construction of primary and secondary services including the date of commencement and the date of completion; and the schedule may include construction in stages;
(b) the requirement to enter into a services agreement **for water, sanitary sewer or stormwater systems** with Halifax Water; **(RC-Jun 21/16;E-Jul 30/16)**
(c) terms and conditions regarding submission, reduction and release of security in accordance with this by-law;
(d) the acceptance of any primary or secondary services, including the requirement of warranty security in accordance with section 129 of this by-law;
(e) the procedure for the acceptance of **the primary or secondary** services; **(RC-Jun 21/16;E-Jul 30/16)**
(f) the supervision and full time inspection of construction by a Professional Engineer;
(g) the supplying of a copy of the agreement to every purchaser of land in the subdivision, if Option "B" is exercised;
(h) the forfeiture of the security;
(i) **audit inspection fees for primary and secondary services as they are conducted (RC-Oct 1/24;E-Nov 1/24) in accordance with Administrative Order Number 15 Respecting License, Permit and Processing Fees(RC-Jun 21/16;E-Jul 30/16)**
(j) penalties for non-compliance with the approved time table for the construction of primary and secondary services;
(k) procedure for accepting the park dedication;
(l) conveyance of streets, walkways and easements and ownership of all primary or secondary services contained therein to the applicable authority;
(m) requirements for certificate of title confirming no encumbrances;
(n) requirements for permission from adjacent property owners where storm water is directed on to their property;
(o) placement of subdivision entrance signs and lot identifiers;
(p) the removal of topsoil and site disturbance;
(q) **Deleted (RC-Jun 21/16;E-Jul 30/16)**
(r) street and traffic sign fee;
(s) confirmation of approval from **NS Environment**; **(RC-Jun 21/16;E-Jul 30/16)**
(t) the placing of monuments and markers for the control and layout of the subdivision and its services to be installed under the supervision of a Nova Scotia Land Surveyor**; and (RC-Jun 21/16;E-Jul 30/16)**
(u) terms and conditions for renewal or extension of the agreement if construction has not been completed within the timeframe specified in the approved construction schedule. (RC-Jun 21/16;E-Jul 30/16)

(2) The agreement may include terms and conditions respecting:

(a) implementation of development agreements as approved by Council;

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(b) infrastructure charges;
(c) special design conditions;
(d) tree retention programs;
(e) encroachment licenses;
(f) costs associated with renaming or renumbering existing public streets or highways;
(g) long term security for specialized equipment; and
(h) park dedication **site** development. **(RC-Jun 21/16;E-Jul 30/16)**

Securities

128 (1) Securities shall be **in a format acceptable to the Municipality, and generally in a form as specified (RC-Oct 1/24;E-Nov 1/24) in Appendices 8 and 9, (RC-Jun 21/16;E-Jul 30/16) if applicable; (RC-Oct 1/24;E-Nov 1/24)**

(2) Reductions to securities may be considered by the Municipality at the following stages:

(a) upon satisfactory completion of primary services - stage I;
(b) upon satisfactory completion of primary services - stage II; and
(c) upon satisfactory completion of mass earthworks.

(3) The following information shall be submitted for consideration of security reductions at the designated stages:

(a) primary services stage I:
(i) results of pipe testing - sewers;
(ii) Geo-technical Engineer's report of infilling and backfilling of select material used;
(iii) compaction tests for trench bedding, backfill;
(iv) surveyor's certificate;
(v) water system pressure test;
(vi) letter of consent from **Halifax** Water; **(RC-Jun 21/16;E-Jul 30/16)**
(vii) consultant's report; and
(viii) any other information required by the Development Officer to ensure that the primary services meet the requirements of this by-law.
(b) primary services stage II:
(i) results of pipe and lateral sewer tests, video tests;
(ii) Engineer's report, tests, Regional Operations approval, if pumping station constructed;
(iii) letters of approval from the applicable utility companies;
(iv) granular and compaction tests for laterals, trenches;
(v) Geo-technical Engineer's report if select backfill material is used;
(vi) granular, compaction asphalt and concrete tests for street construction;
(vii) consultant's report;
(viii) surveyor's certificate;
(ix) deleted (RC-Jan 13/15;E-Mar 14/15)

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(x) water system bacteriological test report;
(xi) letter of consent from the **Halifax Water**; and **(RC-Jun 21/16;E-Jul 30/16)**
(xii) any other information required by the Development Officer to ensure that the primary services meet the requirements of this by-law.

(4) The amount of the security shall at no time be less than 110% of the estimated cost of uncompleted services plus 10% of the estimated cost of completed services.

Warranty Security

129 Upon completion of construction and acceptance of any primary or secondary services by **the** Municipality **or** Halifax Water **or work of equivalent value on parkland dedication as applicable (RC-Oct 11/22;E-Nov 16/22)**, warranty security shall be required as indicated: **(RC-Jun 21/16;E-Jul 30/16)**

(a) warranty security shall be **in a format acceptable to the Municipality, and (Oct 1/24;E -Nov 1/24) generally in a form as (RC-Oct 11/22;E-Nov 16/22)** specified in Appendix **9, (RC-Oct 11/22;E-Nov 16/22)**; **(RC-Jun 21/16;E-Jul 30/16) if applicable(Oct 1/24;E -Nov 1/24)**
(b) the warranty security shall remain in effect for a period of **two years (RC-Oct 11/22;E-Nov 16/22)** from the date of acceptance of the primary or secondary services or **work of equivalent value on parkland (RC-Oct 11/22;E-Nov 16/22)**, and shall be in the amount of 10% of the actual cost of the services installed **or work of equivalent value on parkland dedication (RC-Oct 11/22;E-Nov 16/22)**; **(RC-Jun 21/16;E-Jul 30/16)**
(c) this security shall guarantee the correction or repair by the subdivider of any defect in or failure of the installed services that may occur within the **two year** warranty period; and **(RC-Jun 21/16;E-Jul 30/16)**
(d) a final inspection will be done by the Municipality and **Halifax** Water prior to the expiration date and any deficiencies noted shall be corrected prior to the expiration of the security. **(RC-Jun 21/16;E-Jul 30/16)**

MUNICIPAL SERVICE ACCEPTANCE REQUIREMENTS

130 Upon completion of primary services, the subdivider shall:

(a) apply in writing to the Development Officer for acceptance;
(b) apply in writing to the Development Officer to request the release of the security for primary services;
(c) simultaneously provide the Development Officer with the necessary information including:
(i) three (3) copies of record drawings, certified by a Professional Engineer **(one** in 3 mil Mylar**, one paper copy** and **one in** an acceptable electronic file format, of the primary services prepared in accordance with the record drawing procedures contained within the **Engineering Regulations** and including calculations for redesigned services; **(RC-Jun 21/16;E-Jul**

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30/16)

(ii) for sanitary sewer systems, **copies of documentation required by Halifax Water to be submitted for acceptance of systems as detailed in the Halifax Water Design and Construction Specifications; (RC-Jun 21/16;E-Jul 30/16)**

(A) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(B) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(C) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(D) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(E) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(F) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(G) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(iii) for **stormwater** systems, **copies of documentation required to be submitted prior to acceptance of systems as set out in the Engineering Regulations (RC-Jun 21/16;E-Jul 30/16) (RC-Nov 09/21;E-Mar 19/22)**

(A) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(B) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(C) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(D) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(E) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(iv) for streets, **copies of documentation required by the Engineer to be submitted prior to acceptance of the streets as set out in the Engineering Regulations; (RC-Jun 21/16;E-Jul 30/16) (RC-Nov 09/21;E-Mar 19/22)**

(A) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(B) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(C) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(D) **Deleted (RC-Jun 21/16;E-Jul 30/16)**

(v) for the subdivision grading plan, the following shall be required:

(A) record drawing of the subdivision grading plan showing as-built **road centreline elevations and elevations of the grading and drainage systems identified on the Subdivision Grading Plan, "Issued for Construction", as being the responsibility of the Subdivider to construct, measured in accordance with the 'tolerances' as outlined in subsection (C) of this section**; **(RC-Jun 21/16;E-Jul 30/16)**

(B) **a** subdivision grading certificate, prepared and **stamped/**signed by a Professional Engineer, confirming **road centreline elevations and elevations of the** grading and drainage systems identified as being the responsibility of the Subdivider **to construct, having** been constructed in substantial conformance with the **"Issued for Construction"** subdivision grading plan and the **provisions of the** Lot Grading By-law; **(RC-Jun 21/16;E-Jul 30/16)**

(C) tolerances - proposed grading and slope information is to be confirmed as being constructed on the subdivision grading plan as follows:

(I) where the as-built design elevation or slope is within the indicated tolerance, a graphical or written confirmation is acceptable;

(II) where the as-built design elevation or slope is not within the indicated tolerance, the as-built result is to be specifically shown;

(III) constructed elevation at lot lines shall match the proposed elevation as indicated on the approved subdivision grading plan within 5 cm;

(IV) grades along sloped surfaces or swales that are at minimum or maximum allowable grades shall match grades indicated on the approved subdivision grading plan, or deviate to the permitted side of the minimum or maximum; and

(V) additional elevations or slopes not covered above are to be confirmed by the Inspector as meeting the intent of the approved subdivision grading plan.

(vi) **for water distribution systems,** copies of documentation required by **Halifax** Water to be submitted for acceptance of systems as detailed in the Halifax Water Design and Construction Specifications; **(RC-Jun 21/16;E-Jul 30/16)**

(vii) detailed records of all actual construction costs and quantities breakdown;

(viii) warranty security for **two years** in the amount of 10% of the actual costs of the primary services; **(RC-Jun 21/16;E-Jul 30/16)**

(viiia) all warranty deeds for streets, walkways, park dedication and easements in the applicable form, to be conveyed to the Municipality and all warranty deeds for utility parcels and easements in the applicable form, to be conveyed to Halifax Water at no cost to the Municipality and Halifax Water; (RC-Jun 21/16;E-Jul 30/16)

(viiib) a certificate of title prepared by a solicitor, in the specified form, certifying that the conveyed lands are free from encumbrances, with the exception of utility company easements; (RC-Jun 21/16;E-Jul 30/16)

(ix) a surveyor's certificate stating that all services have been installed within the limits of the survey markers defining the street or easements, walkways and any other land(s) reserved for public purposes, and that the as-constructed centreline aligns with the final subdivision plan of the public street or highway;

(x) Certificate of Compliance from a Professional Engineer certifying that all works have been inspected and completed according to the approved engineering drawings and specifications;

(xi) confirmation from a Professional Engineer that all deficiencies have been corrected with details on remedial action taken;

(xii) performance security for the secondary services in the amount of 110% of the approved estimated costs for their installation **and performance security (RC-Jun 21/16;E-Jul 30/16) for the parkland dedication in the amount of 110% of the estimated assessed value of the parkland dedication (RC-Jan 13/15;E-Mar 14/15)** if Option A is used; and

(xiii) written assurance from the utility companies and **Halifax** Water that all specifications and procedures as referenced in section 14 have been fulfilled and that acceptance of the water, **sanitary sewer and stormwater systems have** been recommended. **(RC-Jun 21/16;E-Jul 30/16)**

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131 Upon completion of the secondary services, the subdivider shall:

(a) apply in writing to the Development Officer for acceptance;
(b) request the release of security on secondary services; and
(c) simultaneously provide the Development Officer with the necessary information including:
  (i) 3 copies of record drawings, certified by a Professional Engineer, **(one** in 3 mil Mylar**, one paper copy**, and **one** in an acceptable electronic file format, of the secondary services prepared in accordance with the record drawing procedures contained with the **Engineering Regulations (RC-Jun 21/16;E-Jul 30/16) (RC-Nov 09/21;E-Mar 19/22)**
  (ii) copies of laboratory and field test of materials (sieve analysis, density tests, concrete compressive strength tests, etc.), confirming that the specified standards for the materials were achieved;
  (iii) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill materials were used;
  (iv) detailed records of actual construction costs and quantities breakdown;
  (v) one year maintenance security in the amount of 10% of the actual costs of the secondary services;
  (vi) **Deleted (RC-Jun 21/16;E-Jul 30/16)**
  (vii) **Deleted (RC-Jun 21/16;E-Jul 30/16)**
  (viii) certification by a Nova Scotia Land Surveyor stating that all services have been installed within the limits of the survey markers for the streets, easements and walkways to be conveyed to the Municipality;
  (ix) Certificate of Compliance from a Professional Engineer certifying that all works are completed according to the approved engineering drawings and specifications; and
  (x) confirmation from a Professional Engineer that all deficiencies have been corrected, including a list of all deficiencies with remedial action taken.

GENERAL PROCEDURE FOR SUBDIVISION APPROVAL AND REGISTRATION

132 A concept, tentative or final plan of subdivision may be refused as a result of the assessment or recommendations made by **NS Environment**, **NSTIR**, or any other agency of the Province or the Municipality, where the subdivision plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province. **(RC-Jun 21/16;E-Jul 30/16)**

133 The Development Officer shall forward a copy of the approved concept, tentative or final plan of subdivision to the owner, the surveyor and any agency which provided an assessment or recommendation regarding the original plan of subdivision.

134 In an area that requires infrastructure charges, the subdivider shall pay that amount prior to final subdivision approval.

135 Where the Development Officer refuses to approve a concept, tentative or final plan of subdivision, the Development Officer shall give notice of the refusal to all agencies

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which were forwarded a plan pursuant to section 124 and shall notify the subdivider, give reasons for refusal, and advise the subdivider of the appeal provisions of Part IX of the ***HRM Charter***. **(RC-Jun 21/16;E-Jul 30/16)**

136 Where the Development Officer refuses to approve a final plan of subdivision, the Development Officer shall return the fees referred to in clause 106(d) to the subdivider.

Stamping of Concept Plans

137 The following information shall be stamped or written on any concept plan of subdivision which is approved:

(a) "This concept plan is approved."
(b) the date of the approval of the concept plan; and
(c) "This concept plan shall not be filed in the Registry of Deeds **or Land Registration Office** as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Registry of Deeds **or Land Registration Office**." **(RC-Jun 21/16;E-Jul 30/16)**

Stamping of Tentative Plans

138 The following information shall be stamped or written on any tentative plan of subdivision which is approved together with any other information, including conditions, necessary for the tentative plan to proceed to the final subdivision stage:

(a) "This tentative plan of subdivision is approved for Lots_____. Such approval lapses if the complete application for final subdivision plan approval is not received within two years of the date of the approval of the tentative plan.";
(b) the date of approval of the tentative plan; and
(c) "This tentative plan of subdivision shall not be filed in the Registry of Deeds **or Land Registration Office** as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Registry of Deeds **or Land Registration Office**." **(RC-Jun 21/16;E-Jul 30/16)**

Stamping of Final Plans

139 The following information shall be stamped or written on any final plan of subdivision which is approved and endorsed:

(a) Approval Stamp:
"This final plan of subdivision is approved for Lots _____"
(b) On-site Services:
As applicable:
(i) "(Lot(s) approved or Remainder)_____ (is/are) approved for the construction or installation of an on-site sewage disposal system for (proposed use) _____ with the following conditions:

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The design of the septic systems and their placement must be done by a private consultant (Qualified Person) and submitted to **NS Environment** for review prior to lot development."; or **(RC-Jun 21/16;E-Jul 30/16)**

(ii) "IMPORTANT NOTICE
(Lot(s) approved or Remainder)_____
(has/have) been created for a purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of **NS Environment** are met."; or **(RC-Jun 21/16;E-Jul 30/16)**

(iii) "(Lot(s) approved or Remainder)_____ (is/are) served by an existing on-site system and should a replacement system become necessary in future, approval of the replacement system from **NS Environment** is required." **(RC-Jun 21/16;E-Jul 30/16)**

(c) **Approved** Private Roads:
A notation stating which lots abut **an approved** private road and that no municipal or provincial services shall be provided to these lots, **(RC-Jun 21/16;E-Jul 30/16)**

"The following roads are not owned and maintained by either the Halifax Regional Municipality or **NSTIR** and these roads are not entitled to any Provincial or Municipal service or maintenance including grading, ditching, snow ploughing, gravelling, school busing and garbage collection: **(RC-Jun 21/16;E-Jul 30/16)**

_____

_____

(d) No Guarantee of Right of Way:
Where lots do not have frontage on a public street or highway,

"The approval of this plan of subdivision does not include or imply that any effort has been made to verify either the physical existence or legal status of the access shown for lot(s)_____."

(e) Fish and Boat Shed Lots:

(i) Where lots are created pursuant to section 44, the words, " Lot(s) _____can be used only for the purposes of aquaculture or fishery support uses as provided for in subsection 4.5(b) and Parts 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of the Land Use By-law for Prospect."

(ii) Where lots are created pursuant to section 51, the words, " Lot(s) _____can be used only for the purposes of storing or repairing boats and fishing equipment as provided for in sections 14.4 and 15.4 of the Land Use By-law for Lake Echo/Porters Lake."

(iii) Where lots are created pursuant to section 56, the words, " Lot(s) _____can be used only for the purpose of a fish shed or boat shed as provided for in sections 6.17, 8.5 and 9.5 of the Land Use By-law for the Eastern Shore (West) Plan Area."

(iv) Where lots are created pursuant to section 61, the words, " Lot(s) _____can be used only for the purpose of a fish

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shed or boat shed as provided for in sections 6.13 and 9.12 of the Land Use By-law for the Eastern Shore (East) Plan Area."

(f) Others:
The final plan of subdivision shall include any other stamp required by the Development Officer to provide information to the public.

140 (1) The Development Officer shall forward to the Registry of Deeds:

(a) one (1) approved copy of the final plan of subdivision and a notice of approval in the form specified in Schedule "C" of this by-law; and
(b) if applicable, the items required by section 107.

(2) Where the plan is to be filed in the Land Registration Office, instead of the information required by clause 1(a), the Development Officer shall forward one (1) approved copy of the final plan of subdivision and the forms required by the *Land Registration Administration Regulations* to the Land Registration Office.

REPEAL OF A FINAL PLAN OF SUBDIVISION

141 Any person requesting the repeal of a plan of subdivision or a portion of a plan of subdivision shall submit the following to the Development Officer:

(a) an application in the form specified in Schedule "D";
(b) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a notice of repeal of a plan of subdivision; and
(c) a processing fee **in accordance with Administrative Order Number 15 Respecting License, Permit and Processing Fees,** for repeal of a subdivision. **(RC-Jun 21/16;E-Jul 30/16)**

142 The Development Officer shall comply with the notification and approval provisions of the ***HRM Charter*** which apply to the repeal of a plan of subdivision. **(RC-Jun 21/16;E-Jul 30/16)**

143 When the Development Officer is satisfied that an application for repeal is complete, the Development Officer may forward a copy to any agency who provided an assessment or recommendations on the original plan of subdivision.

144 Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of any building code regulations, land use by-law, or sewage disposal regulations unless the violation can be rectified by the approval of a new plan of subdivision filed at the Registry of Deeds/**Land Registration Office** on the same day as the repeal is filed. **(RC-Jun 21/16;E-Jul 30/16)**

145 Sections 4 to 140 of this by-law do not apply to the repeal of a plan of subdivision.

146 A repeal of a plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by **NS Environment**, **NSTIR** or of any other agency of the Province or Municipality unless the repeal of the plan of subdivision is

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clearly contrary to a law of the Province or regulation made pursuant to a law of the province. **(RC-Jun 21/16;E-Jul 30/16)**

147 The Development Officer shall forward to the Registry of Deeds **or Land Registration Office** the repeal notice in the form specified in Schedule "E". **(RC-Jun 21/16;E-Jul 30/16)**

148 The Development Officer shall forward a copy of the repeal notice to:

(a) the subdivider;
(b) any agency which provided an assessment or recommendations on the original plan of subdivision; and
(c) the surveyor.

149 Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for repeal pursuant to section **143**. **(RC-Jun 21/16;E-Jul 30/16)**

150 Where the Development Officer refuses to repeal a plan of subdivision, the Development Officer shall return the fees referred to in clause 141(b) to the subdivider.

AMENDED FINAL PLAN OF SUBDIVISION

151 Any person requesting the approval of an amended final plan of subdivision shall submit the following to the Development Officer:

(a) an application in the form specified in Schedule "**A5**"; **(RC-Jun 21/16;E-Jul 30/16)**
(b) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a plan of subdivision; and
(c) a processing fee **in accordance with Administrative Order Number 15 Respecting License, Permit and Processing Fees,** for approval of an amended plan of subdivision. **(RC-Jun 21/16;E-Jul 30/16)**

152 The Development Officer shall comply with the notification and approval provisions of the ***HRM Charter*** which apply to the approval of a plan of subdivision. **(RC-Jun 21/16;E-Jul 30/16)**

153 When the Development Officer is satisfied that an application for approval of an amended final plan of subdivision is complete, the Development Officer may forward a copy to any agency who provided an assessment or recommendations on the original plan of subdivision.

154 An amended final plan of subdivision shall meet the same requirements as a final plan of subdivision as required by sections 105 through 113 and shall show:

(a) the title block bearing the words, "Amended Plan of Subdivision";
(b) the date on which the plan was certified, which shall supersede the certification

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date of the original approved plan; and

(c) the following note:
"This plan supersedes the plan dated and approved on for the purposes of (state the reason for the amendment) only.
This amendment is not intended to affect the validity of any deed, mortgage, lease or other instrument executed as a result of the original subdivision approval."

155 The approval of an amended final plan of subdivision may not be refused or withheld as a result of the assessment or recommendations made by **NS Environment**, **NSTIR** or of any other agency of the Province or Municipality unless the approval of the plan of subdivision is clearly contrary to a law of the Province or regulation made pursuant to a law of the province. **(RC-Jun 21/16;E-Jul 30/16)**

156 The Development Officer shall forward:

(a) to the Registry of Deeds one (1) approved copy of the amended final plan of subdivision and a notice of approval in the form specified in Schedule "C" of this by-law**; (RC-Jun 21/16;E-Jul 30/16)**

(b) to the Land Registration Office, one (1) approved copy of the amended final plans of subdivision and the forms required by the *Land Registration Administration Regulations*. (RC-Jun 21/16;E-Jul 30/16)

157 The Development Officer shall forward a copy of the approved amended plan to the subdivider, the surveyor and any agency which provided an assessment or recommendations on the original plan or instrument of subdivision.

158 Where the Development Officer refuses to approve an amended final plan of subdivision, the Development Officer shall give notice of the refusal to the subdivider and to all agencies which were forwarded the application for approval pursuant to section 153.

REPEAL

159 The Regional Subdivision By-law passed by a majority vote of the Council of Halifax Regional Municipality on the 27th day of June, 2006 and all amendments thereto are hereby repealed.

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SCHEDULE A (RC-Jun 21/16;E-Jul 30/16)

In accordance with section 73, the Development Officer may give approval to a subdivision plan showing lots abutting the lengths of rights-of-way listed below, provided that all other requirements of this by-law are met:

Road and Location	**Approximate Length from Intersection with the Public Street Right of Way**
Eastern Passage	
Hornes Lane	213.36 m
Maple Drive	91.44 m
Vivian Lane	121.92 m
Kilgar Road	213.36 m
Millers Road	121.92 m
Myers Lane	182.88 m
Langilles Lane	91.44 m
Henneberry Drive	182.88 m
Silvers Lane	274.32 m
Edwards Drive	91.44 m
McCormacks Lane	entire right of way
Yorks Lane	213.36 m
Oceanview School Road	106.68 m
Hillside Lane	91.44 m
Lakeside	
Nicholson Drive	228.60 m
Church Drive	121.92 m
Lakeside Drive	213.36 m
Power Terrace	106.68 m
Rockcliffe Drive	106.68 m
Poirier Lane (road name retired)	152.40 m
North Preston	
Amelia Court	259.08 m
Downey-Simmonds Lane	45.72 m, as shown on Sch. A4
Windsor Junction	
McGuire Lane	60.96 m as shown on Sch. A1
Lawrence Robinson Lane	89.92 m as shown on Sch. A2
Fletchers Lake	
Patriquin Lane	134.42 m as shown on Sch. A3

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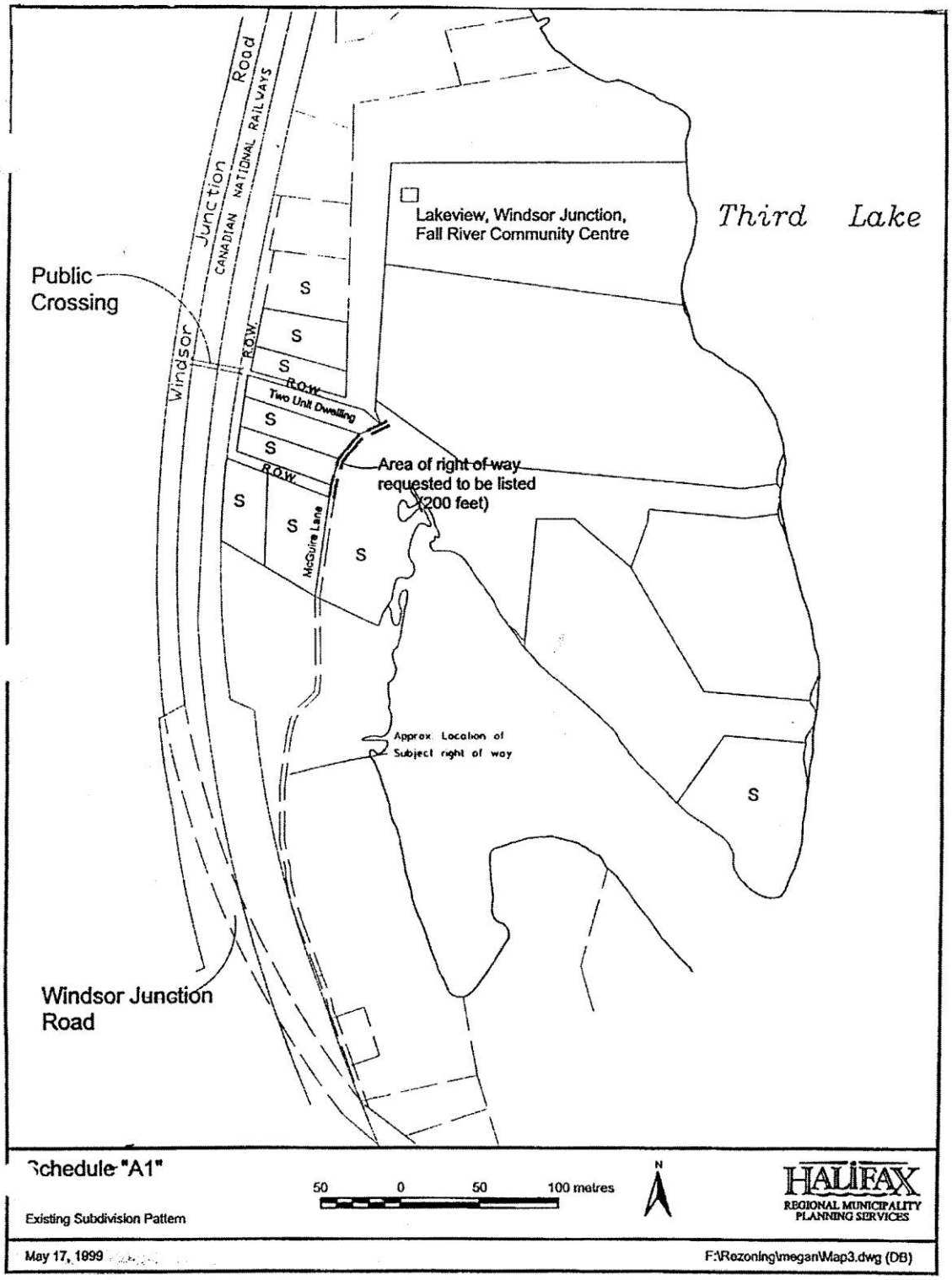
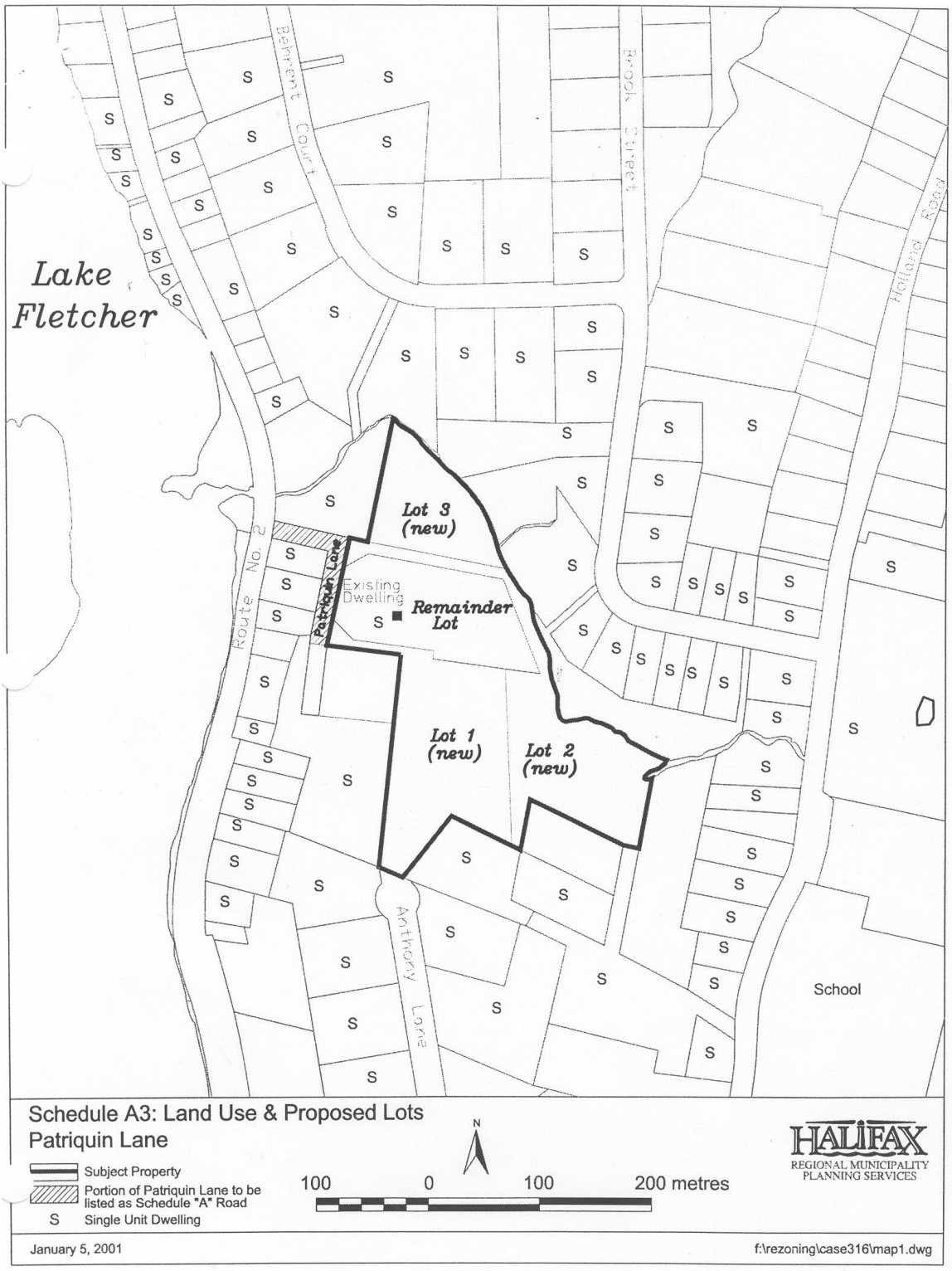
SCHEDULE A1: McGuire Lane

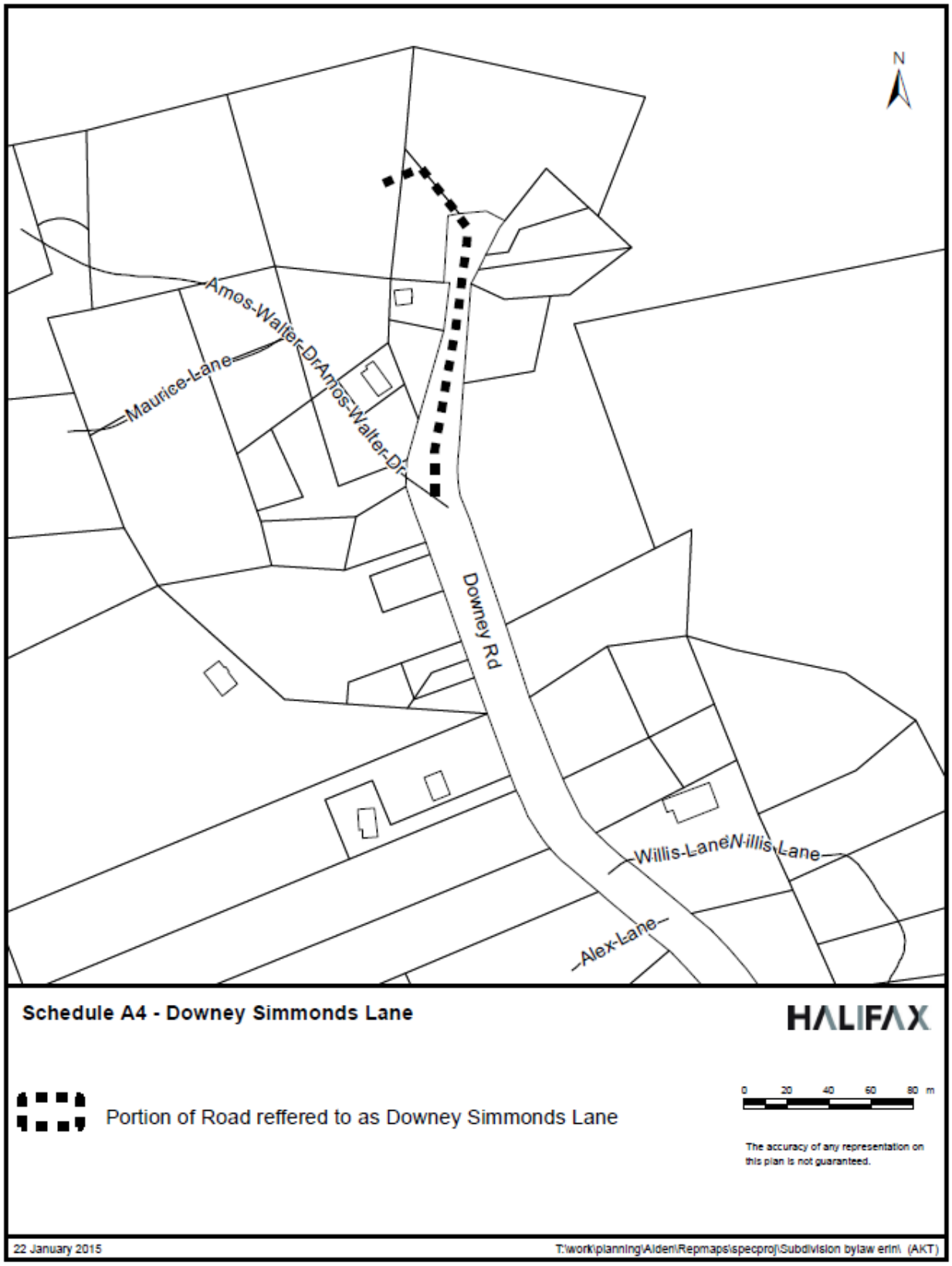


SCHEDULE A2: Lawrence Robinson Lane

SCHEDULE A3: Patriquin Lane



SCHEDULE A4: Subdivision Application Form (RC-Jun 21/16;E-Jul 30/16)



SCHEDULE A5: Subdivision Application Form (RC-Jun 21/16;E-Jul 30/16)

APPLICATION FOR SUBDIVISION APPROVAL

Application Type	Preliminary	Concept	Tentative	Final
Subdivision Legal Name				
Subdivision Common Name				
Description of Proposed Lot(s)				

Proposed # of Lots		# of Plans Submitted	
Existing # Residential Units		Proposed # Residential Units	
Surveyor		Certification Date	
Water Service		Receiving Staff	
Sanitary Service		Receiving Office	
Existing Structures		Processing Fee	
Existing Land Use		Registration Fee	(separate cheque to Minister of Finance)
Proposed Land Use (be specific)		Total Fees	

Primary Property

PID	Civic Address	Owner(s) Name

Other Property(s) affected

PID	PID	PID

Supporting Documents

Title	Date	# of copies

I certify that I am submitting the above referenced plan of subdivision, including all of the required information indicated on the checklist on the back of this form, for approval with the consent of the owner(s) of the subject property(s). The owner(s) has/have seen the proposed plan and have authorized me to act as the applicant for this subdivision request.

Applicant Signature	Application Date
Applicant Name	
Mailing Address	
Email Address	

Phone	Cell	Fax
Application Comments		

SCHEDULE A6: Form HRMSD-1 (RC-Jun 21/16;E-Jul 30/16)

HALIFAX

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5
halifax.ca

Community and Recreation Services- Development Approvals

Final Subdivision Application Statement of Plan Registration Location and Request to Not Consolidate Underlying Lots **(Form HRMDS-1)**

This form is to be completed by a Nova Scotia Land Surveyor and must accompany all application to the Municipality for approval of a final plan of subdivision.

Subdivision Name			
Location			
Plan Date		**Plan No.**	
Description of Proposed Lot(s)			

Check only one- Subdivision Plan and parcels to be recorded in:

○ **LAND REGISTRATION**	**Specify Trigger**
	☐ subdivision results in 3 or more parcels
	☐ subdivision involves both Land Registration & non Land Registration parcels
☐ Proof of conversion for existing parcels is attached	☐ voluntary
	☐ other

OR

○ **REGISTRY OF DEEDS**	**Specify Exemption**
	☐ subdivision results in less than 3 parcels
	☐ subdivision solely for the purpose of gifting to family
	☐ completed Affidavit of Family Gifting is attached
	☐ other

Check only if applicable- Consolidation of Underlying Lots

☐ Where this subdivision plan shows a remainder lot that is made up of the remainder of two or more underlying lots that have not been consolidated, this is to verify that the underlying lots are not to be consolidated as per the provisions of Section 292 of the *HRM Charter*.

Surveyor Signature		**Date**	
Surveyor Name			

SCHEDULE C: Notice of Approval of a Plan of Subdivision

NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION

IN ACCORDANCE WITH SECTIONS **297**(3) AND (4)
OF THE ***HRM CHARTER***, C. **39** OF THE ACTS OF **2008 (RC-Jun 21/16;E-Jul 30/16)**

The following information is based on the information supplied to the Municipality at the time of subdivision approval:

NAME OF THE OWNER(S): _____

NAME OF SUBDIVISION: _____

LOCATION: _____

FILE #: _____

SURVEYOR: _____

DATE OF PLAN CERTIFICATION: _____

DATE OF APPROVAL: _____

FOR LOT(S):

_____

DATED THIS ____ DAY OF _____, 20___

_____
DEVELOPMENT OFFICER

This plan of subdivision also contains information regarding the lots approved on this plan with respect to one or more of the following:

PLAN NUMBER AT THE
REGISTRY OF DEEDS: Plan #_____ Drawer #_____

1. The lots' eligibility for the on-site sewage disposal systems.
2. The availability of public sewer and water systems.
3. Information indicating whether or not the lots abut a public street or highway.

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SCHEDULE D: Subdivision Repeal Application Form

APPLICATION FOR REPEAL OF PLAN OF SUBDIVISION
HALIFAX REGIONAL MUNICIPALITY

Date _____

Name of Owner(s) _____

Address of Owner(s) _____

Phone Number _____

Documents and Correspondence to be returned to

_____

_____

INFORMATION RELATED TO THE APPROVED PLAN OF SUBDIVISION SOUGHT TO BE REPEALED:

Name of applicant for Subdivision approval _____

Location of property_____

The Plan of Subdivision was approved on the ____day of _____, _____, and is filed in the Registry of Deeds at Halifax for Halifax County as Plan Number _____.

Lot(s) _____was/were approved.

CERTIFICATION OF FACTS
(Reasons For Repeal)
(If more space required, attach additional sheet)

OWNER=S CERTIFICATE

I certify that the information in this application is true and complete, that I am applying for repeal of this Plan of Subdivision with the full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.

_____ _____
Signature of owner/agent Date

_____ _____
Signature of owner/agent Date

_____ _____
Signature of owner/agent Date

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SCHEDULE E: Notice of Repeal of a Plan of Subdivision

NOTICE OF REPEAL OF A PLAN OF SUBDIVISION

NAME OF OWNER(S): _____

LEGAL SUBDIVISION NAME: _____

LOCATION: _____

SURVEYOR: _____

DATE OF PLAN OF SUBDIVISION: _____

DATE OF APPROVAL OF PLAN OF SUBDIVISION: _____

DATE OF FILING OF APPROVED PLAN OF SUBDIVISION AT THE REGISTRY OF DEEDS: _____

PLAN NUMBER AT THE REGISTRY OF DEEDS: Plan #_____ Drawer #_____

THIS PLAN WHICH APPROVED LOT(S)_____ IS REPEALED UPON FILING OF THIS NOTICE IN THE REGISTRY OF DEEDS FOR HALIFAX COUNTY.

DATED THIS _____ DAY OF _____, _____ A.D.

_____
DEVELOPMENT OFFICER

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SCHEDULE F: The Wentworth Charge Area

1. The area known as the Wentworth charge area is designated as a charge area in which an infrastructure charge is to be levied (Athe Wentworth charge area@).

2. The Wentworth charge area includes all undeveloped lands within the area generally bounded by the Bicentennial Highway (Highway No. 102) to the west, the boundary of the former Town of Bedford to the north, the Bedford Highway (Highway No. 1) to the east and Royale Hemlocks Subdivision to the south, being the boundaries more particularly illustrated on Figure A-1.

3. The infrastructure charge within the Wentworth charge area is levied to recover capital costs associated with new streets and street intersections, traffic signs and signals, stormwater systems and wastewater facilities required to service the Wentworth charge area.

4. (1) The infrastructure charge for the Wentworth charge area shall be $10,893 per acre based on an average density of 20 persons per acre and is adjusted for the estimated density of land being subdivided in accordance with the following formula:

$$\text{Infrastructure Charge} = \$10{,}893/\text{per acre} \times \text{Gross Area} \times \frac{\text{Population Density}}{20 \text{ persons per acre}}$$

(2) For the purposes of subsection (1):

(a) Gross Area means the area in acres within the external boundaries of the lands (including streets, walkways and park parcels) proposed for each phase of subdivision approval;
(b) Population Density means the Total Projected Population divided by the Gross Area; and
(c) the Total Projected Population within the Gross Area shall be calculated based on the following table:

Land Use	**Projected Population**
Single Unit, Two Unit or Town House Unit	3.35 persons/unit
Multiple Dwelling Unit Building	2.25 persons/unit
General Commercial Building	50 persons per acre, or part thereof, for each lot
Community Commercial, Community Facility, Institutional or Mixed Use/Business Campus	30 persons per acre, or part thereof, for each lot

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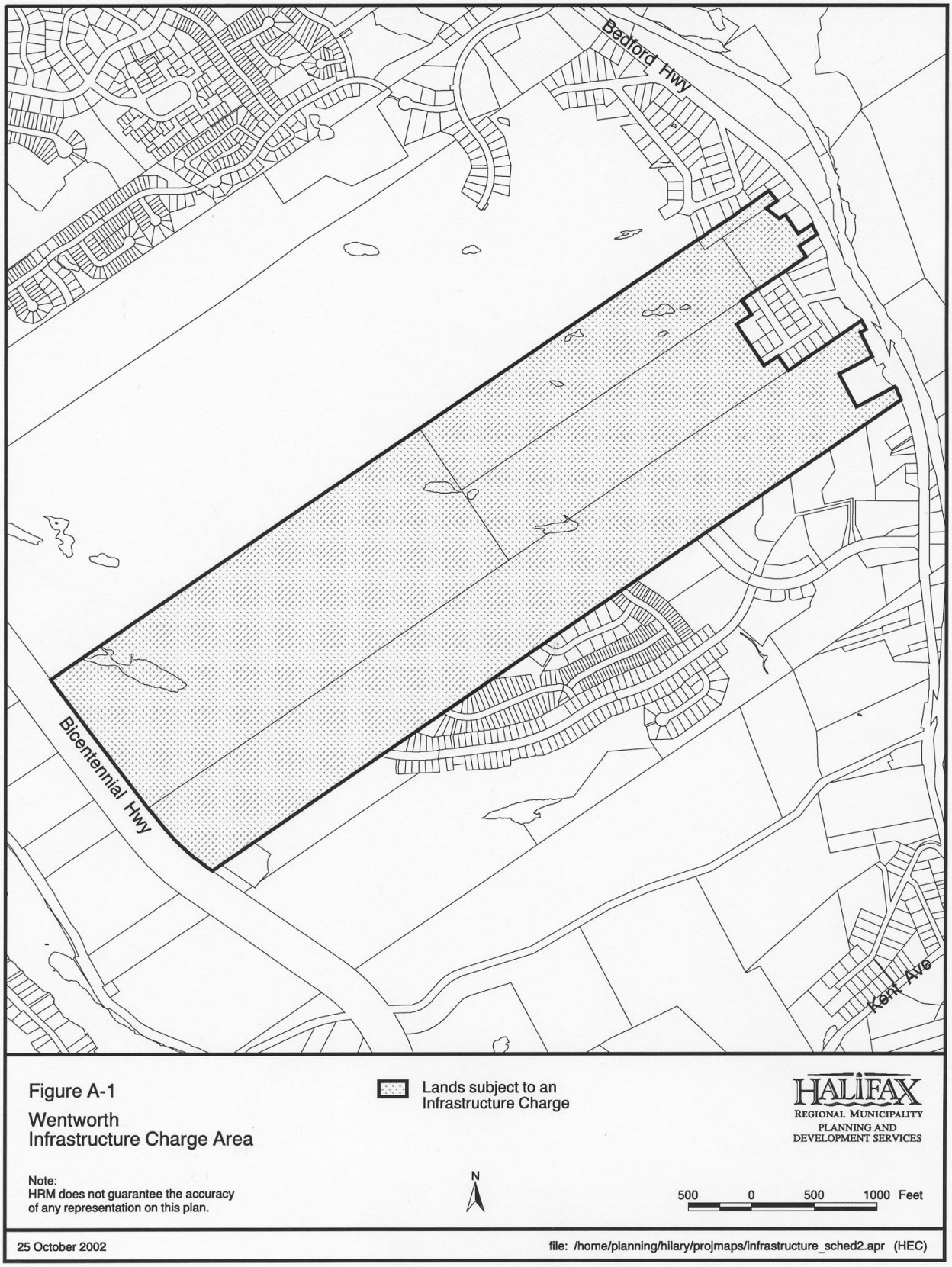
Figure A-1: Wentworth Infrastructure Charge Area



SCHEDULE G: The Bedford South Charge Area

1. The area known as the Bedford South charge area is designated as a charge area in which an infrastructure charge is to be levied (Athe Bedford South charge area@).

2. The Bedford South charge area includes all undeveloped lands within the area generally bounded by the Bicentennial Highway (Highway No. 102) to the west, Crestview Subdivision to the north, the Bedford Highway (Highway No. 1) to the east and the boundary of the boundary of the former City of Halifax to the south, as more particularly illustrated on Figure B-2.

3. The infrastructure charge for the Bedford South charge area is levied to recover capital costs associated with new streets and street intersections, traffic signs and signals, stormwater systems and wastewater facilities required to service the Bedford South charge area.

4. (1) The infrastructure charge for the Bedford South charge area shall be $10,893 per acre based on an average density of 20 persons per acre and is adjusted for the estimated density of land being subdivided in accordance with the following formula:

$$\text{Infrastructure Charge} = \$10{,}893/\text{per acre} \times \text{Gross Area} \times \frac{\text{Population Density}}{\text{20 persons per acre}}$$

(2) For the purposes of subsection (1):

(a) Gross Area means the area in acres within the external boundaries of the lands (including streets, walkways and park parcels) proposed for each phase of subdivision approval;
(b) Population Density means the Total Projected Population divided by the Gross Area; and
(c) the Total Projected Population within the Gross Area shall be calculated based on the following table:

Land Use	**Projected Population**
Single Unit, Two Unit or Town House Unit	3.35 persons/unit
Multiple Dwelling Unit Building	2.25 persons/unit
General Commercial Building	50 persons per acre, or part thereof, for each lot
Community Commercial, Community Facility, Institutional or Mixed Use/Business Campus	30 persons per acre, or part thereof, for each lot

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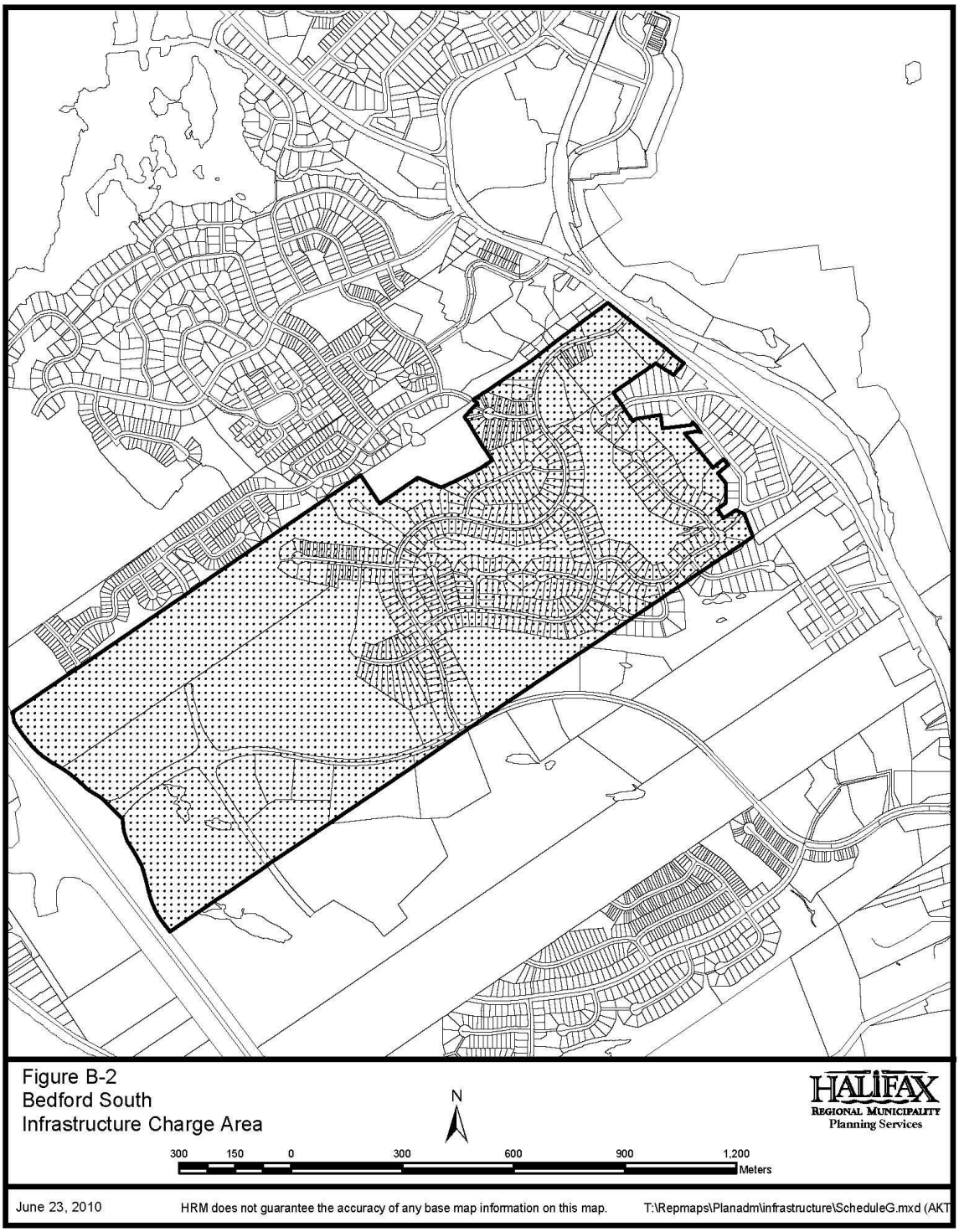
Figure B-2: Bedford South Infrastructure Charge Area



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SCHEDULE K: Trunk and Route Highways (RC-Jun 21/16;E-Jul 30/16)

Trunk 1

Trunk 2

Trunk 3

Trunk 7

Route 207- **From Morash Dr, Cole Harbour to Highway 7, Porters Lake**

Route 213
Route 224
Route 253
Route 277
Route 306
Route 318 **- From Lake Charles Drive to Rocky Lake Dr**

Route 322
Route 328
Route 333
Route 336
Route 349
Route 354
Route 357
Lucasville Rd

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SCHEDULE L: The Russell Lake West Infrastructure Area

1. The area known as the Russell Lake West infrastructure area is designated as an infrastructure agreement area in which an infrastructure charge is to be levied.

2. The Russell Lake West infrastructure area includes all undeveloped lands to the east of Highway 111, to the west of Russell Lake, and to the north of the Imperial Oil lands, being the boundaries more particularly illustrated on Map B-1 as the shaded area.

3. The infrastructure charge within the future Morris-Russell Lake charge area is levied to recover capital costs associated with new streets and street intersections, traffic signs and signals, and wastewater facilities required to service the Russell Lake West lands.

4. (1) The infrastructure charge for the Russell Lake West infrastructure area shall be $15,733 per acre based on an average density of 26.1 persons per acre and is adjusted for the estimated density of land being subdivided in accordance with the following formula:

$$\text{Infrastructure Charge} = \$15{,}733/\text{per acre} \times \text{Gross Area} \times \frac{\text{Population Density}}{26.1 \text{ persons per acre}}$$

(2) For the purposes of subsection (1):

(a) Gross Area means the area in acres within the external boundaries of the lands (including streets, walkways and park parcels) proposed for each phase of subdivision approval;
(b) Population Density means the Total Projected Population divided by the Gross Area; and
(c) the Total Projected Population within the Gross Area shall be calculated based on the following table:

Land Use	**Projected Population**
Single Unit, Two Unit or Town House Unit	3.35 persons/unit
Multiple Dwelling Unit Building	2.25 persons/unit
General and Local Commercial Building	40 persons per acre, or part thereof, for each lot

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Map 1B: Future Morris – Russell Lake Charge Area

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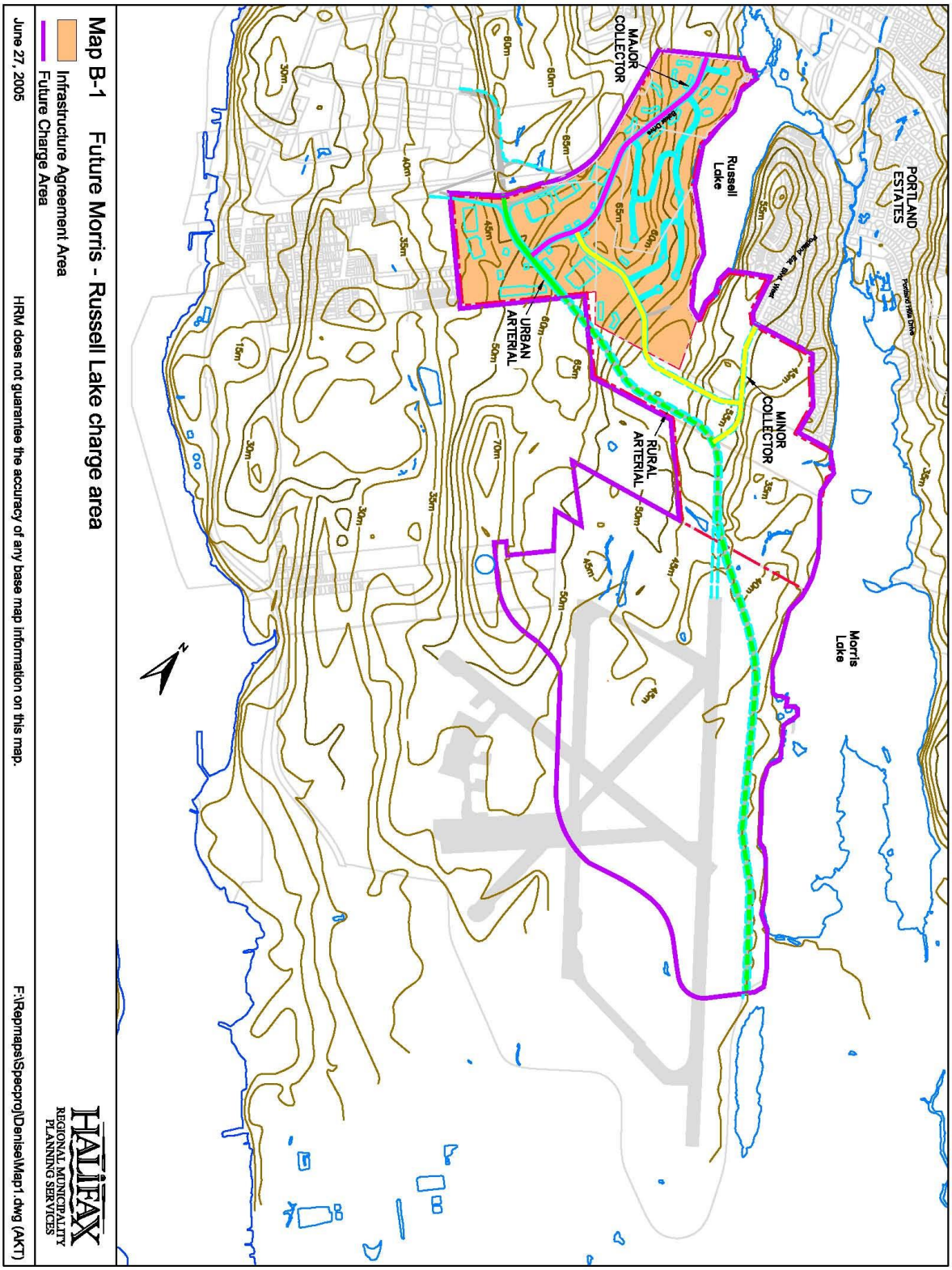
PORTLAND ESTATES
Portland Hills Drive
Russell Lake
Morris Lake
MAJOR COLLECTOR
MINOR COLLECTOR
RURAL ARTERIAL
URBAN ARTERIAL
Map B-1 Future Morris - Russell Lake charge area
Infrastructure Agreement Area
Future Charge Area
June 27, 2005
HRM does not guarantee the accuracy of any base map information on this map.
HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES
F:\Repmaps\Specproj\Denise\Map1.dwg (AKT)

SCHEDULE M: The Portland Hills Capital Cost Contribution Area

1. The area known as the Portland Hills Capital Cost Contribution Area is designated as a capital cost contribution area in which an infrastructure charge is to be levied.

2. The Portland Hills Capital Cost Contribution Area includes lands bounded by Morris Lake on the west, Bell Brook and the first phases of the Portland Hills Subdivision on the north, the Innishowen subdivision on the east and undeveloped lands to the south being the boundaries more particularly illustrated on Map M -1 as the shaded area.

3. The infrastructure charge within the future Portland Hills Charge Area is levied to recover capital costs associated with new streets and street intersections, traffic signs and signals, and wastewater facilitiesrequired to service the Portland Hills lands.

4. (1) The infrastructure charge for the Portland Hills Capital Cost Contribution Area shall be $7,939 per acre based on an average density of 18.5 persons per acre and is adjusted for the estimated density of land being subdivided in accordance with the following formula:

$$\text{Infrastructure Charge} = \$7{,}939/\text{per acre} \times \text{Gross Area} \times \frac{\text{Population Density}}{18.5 \text{ persons per acre}}$$

(2) For the purposes of subsection (1):

(a) Gross Area means the area in acres within the external boundaries of the lands (including streets, walkways and park parcels) proposed for each phase of subdivision approval;
(b) Population Density means the Total Projected Population divided by the Gross Area; and
(c) the Total Projected Population within the Gross Area shall be calculated based on the following table:

Land Use	**Projected Population**
Single Unit, Two Unit or Town House Unit	3.35persons/unit
Multiple Dwelling Unit Building	2.25 persons/unit

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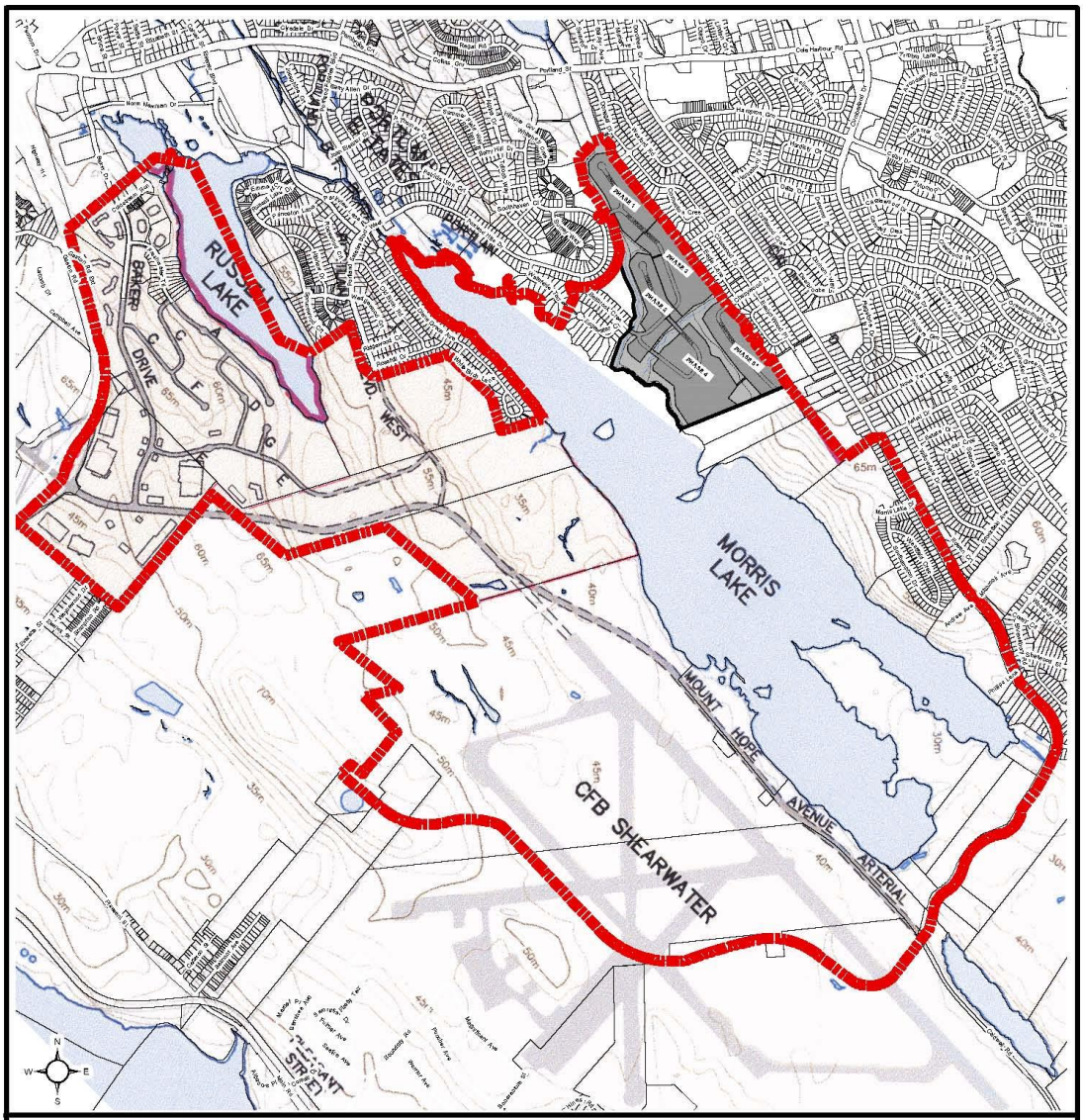
Schedule M-1: The Portland Hills Capital Cost Contribution Area



Map M-1

Portland Hills
Capital Cost Contribution Area

Study Area

Charge area

HALIFAX
REGIONAL MUNICIPALITY
PLANNING AND
DEVELOPMENT SERVICES

* Phase 5 may be subject to future charge area.

Dartmouth Land Use By-Law Area

0 250 500 1,000 m

HRM does not guarantee the accuracy of any representation on this plan.

5 June 2006

file: /data3/work/planning/hilary/Department/MapM1.pdf (HEC)

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SCHEDULE N: Bedford West Charge Area

1. The area known as the Bedford West charge area is designated as a charge area in which an infrastructure charge is to be levied.

2. The Bedford West charge area includes lands bounded by Hammonds Plans Road to the north, Highway 102 to the east, and Kearney Lake Road to the south and west, and includes approximately 131 acres south of Kearney Lake, more particularly illustrated on map BW-1.

3. The infrastructure charge within the Bedford West Charge Area is levied to recover capital costs associated with new streets and street intersections and traffic signs and signals required to service the Bedford West charge area.

4. (1) The infrastructure charge for the Bedford West charge area shall be $ 5,486 per acre for sub-areas 1, 4, 5, 11. (RC-Mar 15/11;E-May 28/11)

   (2) The infrastructure charge for the Bedford West charge area shall be $9,956 per acre for sub-areas 2, 3, 7, 8, 10, and 12.

   (3) The infrastructure charge for the Bedford West charge area shall be $29,969. per acre for sub area 6. (RC-Mar 15/11;E-May 28/11)

   (4) The infrastructure charge for the Bedford West charge area shall be $ 21,702. per acre for sub area 9. (RC-Mar 15/11;E-May 28/11)

5. The Capital Cost Charges prescribed in this by-law shall be indexed without amendment to this by-law on April 1, 2010, and in each subsequent year on April 1, in accordance with the indexing set out in the Consumer Price Index for Halifax as published by Statistics Canada for the immediate preceding month, as it relates to the same month in the immediate preceding year.

   The fees indexed in this manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than $0.5 and shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than $0.5.

6. For the purposes of section 4 ASub-area@ means the sub-areas illustrated on Map BW-1 and the charge per sub-area shall be applied to all lands within the external boundaries of the sub-area including any proposed public streets or highways, walkways and parkland dedications, watercourses, open space areas or environmental reserves.

7. No subdivision approvals shall be granted until infrastructure charges for sewer and water services have been approved and are in effect.

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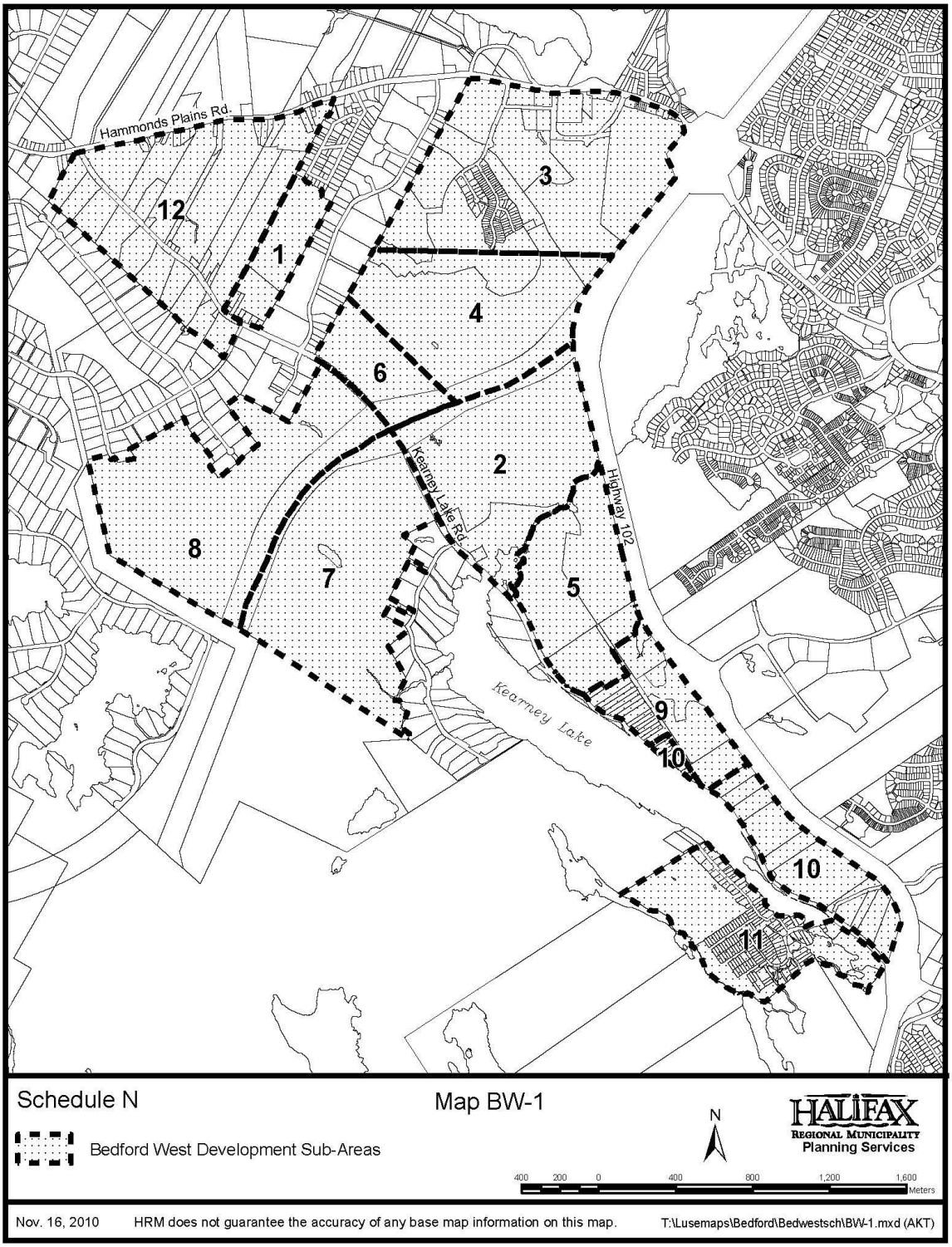
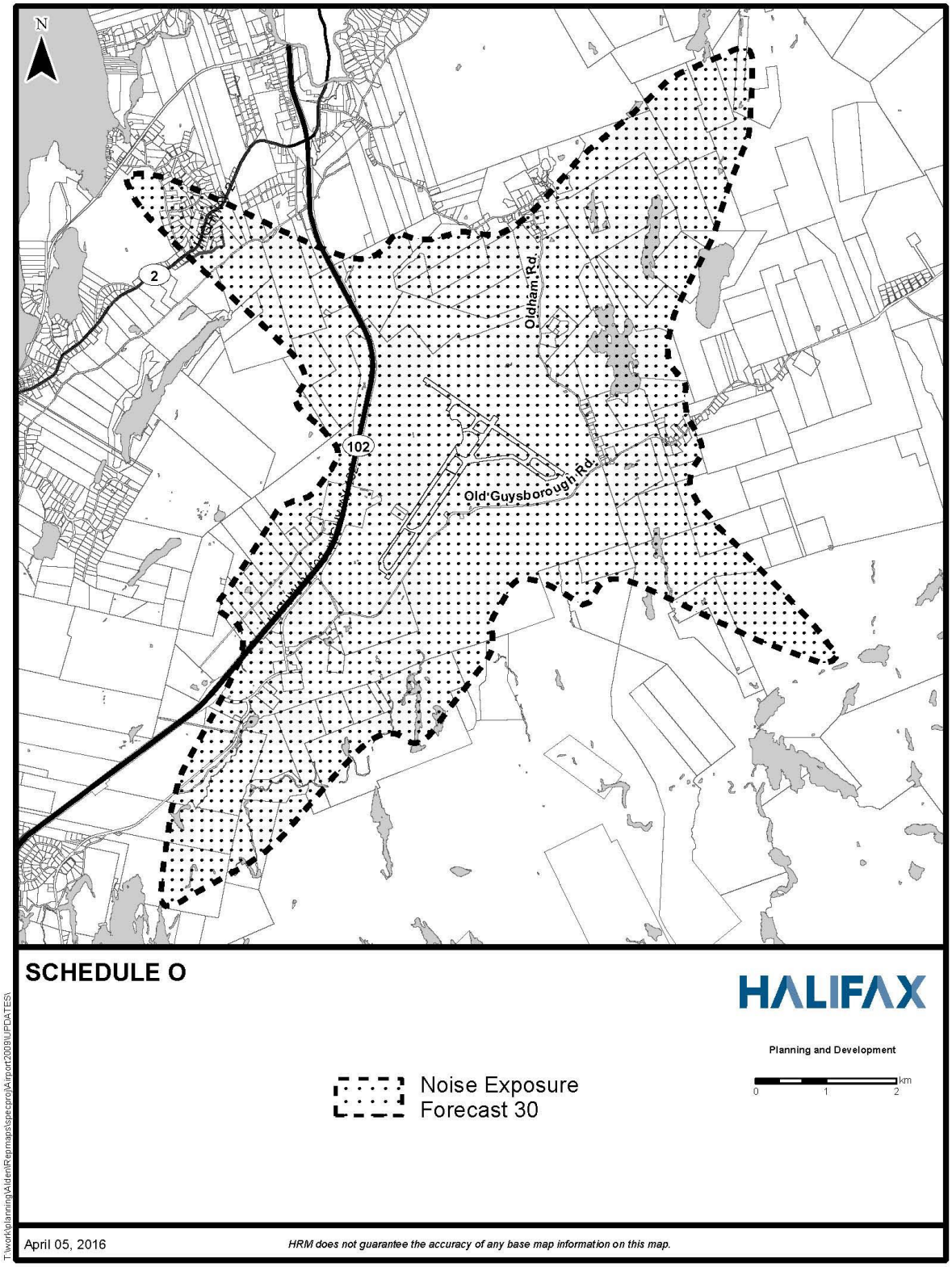
MAP BW-1: Development Sub-Areas Bedford West



SCHEDULE O: Noise Exposure Forecast 30 Contour (RC-Jan 26/16;E-Apr 2/16)



APPENDIX 1: SUBDIVISION AGREEMENT

Subdivision File #:
Subdivision Name:

SUBDIVISION AGREEMENT

THIS AGREEMENT made this _____ day of _____ 20 ____.

BETWEEN: _____,
(hereinafter called the "Subdivider")

of the First Part

- and -

HALIFAX REGIONAL MUNICIPALITY,
(hereinafter called the "Municipality")

of the Second Part

WHEREAS the Subdivider has applied to the Municipality for approval of the subdivision of certain lands which are more particularly described herein and as filed with the Halifax Regional Municipality Planning and Development Services Department as File No. _____, in connection therewith, the Subdivider has agreed to enter into this agreement for the provision of certain municipal services/parkland pursuant to the provisions of the *Regional Subdivision By-law*.

IN CONSIDERATION of the sum of One Dollar ($1.00), the mutual covenants and agreements herein contained and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties covenant, promise and agree as follows:

1. In this agreement all words shall carry their customary meaning except those defined in the *Regional Subdivision By-law* and, unless the context otherwise requires, the following words shall have the following meanings:

(a) "Applicable Laws" means any law, rule, regulation, by-law, requirement, guideline, judgement or order of any federal, provincial or municipal government, governmental body or agency or court having jurisdiction, applicable from time to time to the design, construction, installation or operation of the primary or secondary services;

(b) "By-law" means the Halifax Regional Municipality's *Regional Subdivision By-law*;

(c) "Drawings" means the drawings submitted to the Municipality by the Subdivider in respect of the primary or secondary services prepared by _____ on behalf of _____ and as listed below:

DRAFT

(i)

(ii)

(d) "Final Record Drawings" means the Drawings and the Subdivision Grading Plans to scale showing the actual constructed primary or secondary services including plan and profile, elevations, lengths, materials, fittings, dimensions and any other construction information including valves, manholes, service laterals and other servicing appurtenances complete with swing tie data from power poles, hydrants, or other easily located surface features in a form acceptable to the Engineer;

(e) "Inspector" means a representative of the Engineer;

(f) "Lot Grading and Servicing Information" means the Subdivision Grading Plan and the service lateral information sheet;

(g) Options:

(i) "Option A" means upon execution of the agreement, the Subdivider may commence construction of the primary services; however, no lots shall receive final approval nor shall Building Permits be issued until acceptance of the primary services and until receipt of performance security, in the amount of 110% of the approved estimated costs for the installation of the secondary services, to guarantee their installation;

(ii) "Option B" means that, upon execution of the agreement, the Subdivider may commence construction of the primary and secondary services and shall deposit, with the Municipality, performance security, in the amount of 110% of the approved estimated costs for the installation of the primary and secondary services, to guarantee their installation. Upon receipt of the performance security by the Municipality, lots within the Subdivision may be approved and Building Permits issued, however, Occupancy Permits shall not be issued until acceptance of the primary services; and

(iii) "Option C" means upon execution of the agreement, the Subdivider may commence construction of the primary and secondary services. No lots shall receive final approval nor shall Building Permits be issued until acceptance of the primary and secondary services;

(h) "Plan of Subdivision" means the plan showing the proposed Subdivision of the Property dated _____ prepared by _____, NSLS and entitled, "_____";

(i) "Property" means the land comprising the Subdivision as shown on the Plans of Subdivision;

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(j) "Public Streets" means the complete and properly functioning public streets or highways providing land access to the Subdivision and includes the land area as shown on the Plan of Subdivision constructed in accordance with the Specifications and Drawings and the provisions of this agreement;

(k) "Subdivision" means the Subdivision proposed in the Plan of Subdivision;

(l) "Subdivision Grading Plans" means the plans illustrating the grading and drainage systems proposed for the Subdivision, as shown on drawing number _____, which identify the grading and drainage work which will be responsibility of the Subdivider and which identifies generally the grading and drainage work which will be the responsibility of others; and

(m) "Warranty Period" means the period of 24 months commencing on the date of acceptance of the primary or secondary services by the Municipality.

1A. References and terms used in this agreement carry the meaning as defined in the Regional Subdivision By-law, as amended from time to time, unless otherwise defined herein.

Halifax Water Service Agreement

2. The Subdivider agrees:

(a) that where a water, wastewater and/or stormwater distribution system is to be constructed by the Subdivider prior to receiving final approval of a Plan of Subdivision, the Subdivider shall enter into a water service agreement with Halifax Water; and

(b) the water service agreement shall form Appendix "1" of this agreement and shall be duly executed prior to the execution of this agreement;

Pre-construction Requirements

3. The Subdivider agrees not to start construction until:

(a) a preconstruction meeting with the Municipality, Halifax Water and the utility companies has been held;

(b) a Streets and Services permit has been issued;

(c) a letter of undertaking from the Subdivider's Engineer has been submitted and all applicable permits have been issued; **and (RC-Oct 1/24;E-Nov 1/24)**

(d) **Repealed (RC-Oct 1/24;E-Nov 1/24)**

(e) the Subdivider has obtained the Certificate to Construct from NS Environment.

Construction of Primary and Secondary Services

4. The Subdivider agrees to:

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(a) install and construct the primary or secondary services at their own cost in a good and workmanlike manner in accordance with the Enigeering Regulations, the Drawings and in compliance with all Applicable Laws;

(b) to commence and complete construction of the primary or secondary services in accordance with the construction time schedule as outlined in Schedule "A" attached hereto, or as otherwise agreed between the Subdivider and the Municipality;

(c) to engage the services of a Professional Engineer and to file with the Development Officer a written undertaking from him/her as follows:

(i) that the Professional Engineer has been engaged by the Subdivider to supervise and set out the work;

(ii) that the work will be done in accordance with the approved final Plan of Subdivision and all other provisions of this agreement; and

(iii) that the installation of services shall be subject to full time inspection and approval by the Professional Engineer or their representative.

Deposit for Construction of Primary and Secondary Services

5. (1) The Subdivider agrees to:

(a) **Provide the Municipality with audit inspection fees for the inspection of primary and secondary services as they are conducted and in accordance with Administrative Order Number 15 Respecting License, Permit and Processing Fees; (RC-Oct 1/24;E-Nov 1/24)**

(b) Submit a street and traffic sign fee to the Municipality in the amount of $_____ for the signs required for the Subdivision;

(c) Submit $_____ to the Municipality as payment for the costs associated with renaming or renumbering the existing Public Street, _____;

(d) Submit an infrastructure charge to the Municipality in the amount of $_____;

(2) In the alternative to submitting payment of the infrastructure charge prior to approval of the final plan of Subdivision, the Subdivider may defer payment until the acceptance by the Municipality of the primary services, provided the Subdivider deposits with the Municipality performance security, in the amount of $_____, which is equal to the amount of the infrastructure charge pursuant to clause 5(1) (d) of this agreement;

Costs of Services

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6. The Subdivider agrees to submit to the Development Officer an estimate of cost and the Time schedule required to complete each service by individual street, or part thereof, as required by Section 120 of the Regional Subdivision By-law.

7. The Subdivider agrees that the actual construction costs shall be submitted by the Subdivider to the Development Officer for approval by the Engineer as outlined in the Regional Subdivision By-law.

Inspection and Acceptance

8. The Subdivider agrees that:

(a) in order to carry out his work, the Inspector may, from time to time, and at any reasonable time, enter upon the land of the Subdivision for the purpose of performing his/her duty; and

(b) refusing the inspector entry upon the land or obstructing him/her to the discharge of his/her duty thereon shall constitute a breach of this agreement;

(c) that prior to the application of the top lift of asphalt, to submit to the Development Officer/Halifax Water videos of the water, sanitary sewer and storm systems for review and pre-acceptance inspection of the services;

(d) that prior to the application of the top lift of asphalt, to make any repairs or adjustments that may be required as identified as the result of the pre-acceptance review and inspection.

9. The Subdivider agrees that prior to acceptance of the services, **outstanding audit inspection fees shall be paid. (RC-Oct 1/24;E-Nov 1/24)**

Payment of Infrastructure Charge

10. The Subdivider agrees that payment of the infrastructure charge pursuant to clause 5 (1)(d) and subsection 5 (2) of this agreement is a condition of final approval of the Plan of Subdivision and the Municipality is under no obligation to the Subdivider or any third party to grant final approval of the Plan of Subdivision unless and until the Subdivider has paid the infrastructure charge to the Municipality.

Option A

11. (1) The Subdivider agrees that if Option A is exercised, upon completion and acceptance of the parkland dedication and the primary services, the Subdivider shall deposit with the Municipality performance security to guarantee installation and completion of secondary services in the following amounts:

(a) secondary services: $_____._____

(b) miscellaneous work: $_____._____

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(c) parkland dedication: $_____._____

(2) All the amounts in subsection (1) of this section represent 110% of the approved estimated costs for installation of the services and such security shall be deposited with the Development Officer prior to approval of the final plan of subdivision.

12. The Subdivider further agrees that if Option A is exercised:

(a) all warranty deeds for streets, walkways and park dedication and easements, in the form attached as Schedule "B", to be conveyed to the Municipality at no cost to the Municipality; and

(b) a certificate of title prepared by a solicitor, in the form attached as Schedule "D", certifying that the conveyed lands are free from encumbrances, with the exception of utility company easements.

Option B

13. (1) The Subdivider agrees that if Option B is exercised, the Subdivider shall deposit with the Municipality performance security, for parkland dedication and for primary and secondary services, in the following amounts:

(a) primary services: $_____._____

(b) secondary services: $_____._____

(c) parkland dedication: $_____._____

(d) miscellaneous work: $_____._____

(2) All the amounts in subsection (1) of this section, represent 110% of the approved estimated costs for installation of the services. Such security is to be deposited with the Development Officer prior to approval of the final Plan of Subdivision.

14. The Subdivider further agrees that if Option B is exercised:

(a) all warranty deeds for streets, walkways and park dedication and easements, in the form attached as Schedule "B", to be conveyed to the Municipality at no cost to the Municipality; and

(b) a certificate of title prepared by a solicitor, in the form attached as Schedule "D", certifying that the conveyed lands are free from encumbrances, with the exception of utility company easements.

Option C

15. If Option C is exercised, no performance security is required.

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Completion of Primary Services

16. (1) Upon completion of primary services, the Subdivider agrees that the Subdivider shall:

(a) apply in writing to the Development Officer for acceptance;

(b) apply in writing to the Development Officer to request the release of the security for primary services; **and**

(c) pay outstanding inspection fees due to the Municipality or Halifax Water (RC-Oct 1/24;E-Nov 1/24)

(2) The Subdivider agrees to simultaneously with subsection (1) of this section provide the Development Officer with the necessary information including:

(a) three (3) copies of record drawings, certified by a Professional Engineer (one in 3 ml Mylar, one paper copy and one in an acceptable electronic file format) of the primary services prepared in accordance with the record drawing procedures contained within the Engineering Regulations and including calculations for redesigned services;

(b) detailed records of all actual construction costs and quantities breakdown;

(c) warranty security for two years in the amount of 10% of the actual costs of the primary services;

(d) where the infrastructure charge has not been paid prior to the acceptance of the primary services, to submit to the Municipality a certified cheque payable to the order of the Halifax Regional Municipality in the amount of $_____, representing the infrastructure charge payable by the Subdivider to the Municipality pursuant to clause 5(1) (e) and subsection 5(2) of this agreement;

(e) a reproducible 28 cm by 43 cm maximum size copy of the Plan of Subdivision showing the land to be conveyed to the Municipality highlighted;

(f) a surveyor's certificate stating that all services have been installed within the limits of the survey markers defining the street or easements, walkways and any other land(s) reserved for public purposes, and that the as-constructed centreline coincides with the final legal Subdivision plans of the Public Street;

(g) Certificate of Compliance from a Professional Engineer certifying that all works have been inspected and completed according to the approved engineering drawings and specifications;

(h) confirmation from a Professional Engineer that all deficiencies have been corrected with details on remedial action taken;

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(i) performance security for the secondary services in the amount of 110% of the approved estimated costs for their installation and in the amount of 110% of the estimated value of the parkland dedication if Option A is used; and

(j) written assurance from the utility companies and the Water Commission that all specifications and procedures as referenced in Section 14 of the *Regional Subdivision By-law* have been fulfilled and that acceptance of the water, wasterwater sewer and stormwater sewer systems have been recommended;

(k) for storm drainage systems, the information in subsection 4 of this section;

(l) for streets, the information in subsection 4 of this section; and

(m) for a grading plan, the information in subsection 5 of this section.

(3) For storm drainage systems, the Subdivider agrees to provide the following:

(a) video inspection (CCTV) and report, including catch basin leads (required also immediately prior to end of warranty security period);

(b) pipe test report, if requested by the Development Officer;

(c) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill materials were used; and

(d) where applicable, easements, in the form attached as Schedule "C", for the consent to discharge stormwater.

(4) For streets, the Subdivider agrees to provide the following:

(a) Professional Engineer's Certification of Inspection and Completion at the following stages of street construction:

(i) after clearing (pre-construction);

(ii) after grubbing (before culvert and drain installation);

(iii) at subgrade, prior to the application of any gravels;

(iv) prior to surfacing gravel being applied;

(v) prior to paving; and

(vi) final (prior to acceptance of services by the Municipality);

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(b) copies of laboratory and field tests of materials (sieve analysis, density tests, concrete compressive strength tests, etc.);

(c) Professional Engineer's Certification of asphalt mix, materials and plant compliance with HRM asphalt specification requirements including penalty payment, where applicable; and

(d) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill material were used;

(5) For the Subdivision grading plan, the Subdivider agrees to provide the following:

(a) record drawing of the Subdivision Grading Plan showing as-built elevations of those components of the grading and drainage systems identified as being the responsibility of the Subdivider to construct, measured in accordance with the "Tolerances" section below;

(b) subdivision grading certificate, in the specified form, prepared and signed by a Professional Engineer, confirming that those components of the grading and drainage systems identified as being the responsibility of the Subdivider have been constructed in substantial conformance with the approved Subdivision Grading Plan and the *Lot Grading By-law*;

(c) tolerances - proposed grading and slope information is to be confirmed as being constructed on the Subdivision Grading Plan as follows:

(i) where the as-built design elevation or slope is within the indicated tolerance, a graphical or written confirmation is acceptable;

(ii) where the as-built design elevation or slope is not within the indicated tolerance, the as-built result is to be specifically shown;

(iii) constructed elevation at lot lines shall match the proposed elevation as indicated on the approved Subdivision Grading Plan within 5cm;

(iv) grades along sloped surfaces or swales that are at minimum or Subdivision Grading Plan, or deviate to the permitted side of the minimum or maximum; and

(v) additional elevations or slopes not covered above are to be confirmed by the Inspector as meeting the intent of the approved Subdivision Grading Plan;

Completion of Secondary Services

17. Upon completion of the secondary services, the Subdivider agrees to:

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(a) apply in writing to the Development Officer for acceptance;

(b) request the release of security on secondary services; and

(ba) pay outstanding audit inspection fees due to the Municipality or Halifax Water; and (RC-Oct 1/24;E-Nov 1/24)

(c) simultaneously provide the Development Officer with the necessary information including:

(i) three (3) copies of record drawings, certified by a Professional Engineer, (one in 3 ml Mylar and one in an acceptable electronic file format), of the secondary services prepared in accordance with the record drawing procedures contained within the **Engineering Regulations (RC-Nov 09/21;E-Mar 19/22);**

(ii) copies of laboratory and field test of materials (sieve analysis, density tests, concrete compressive strength tests, etc.), confirming that the specified standards for the materials were achieved;

(iii) copies of reports from a Geo-technical Engineer where soft ground conditions were encountered or where select fill or backfill materials were used;

(iv) detailed records of actual construction costs and quantities breakdown;

(v) two years warranty security in the amount of 10% of the actual costs of the secondary services;

(vi) where not provided pursuant to sections 12 or 14 of this agreement, all warranty deeds for streets, walkways and park dedication and easements, in the form attached as Schedule "B", to be conveyed to the Municipality at no cost to the Municipality;

(vii) where not provided pursuant to sections 12 or 14 of this agreement, a certificate of title prepared by a solicitor, in the form attached as Schedule "D", certifying that the conveyed lands are free from encumbrances, with the exception of utility company easements;

(viii) certification by a Nova Scotia Land Surveyor stating that all services have been installed within the limits of the survey markers for the streets, easements and walkways to be conveyed to the Municipality, and that pipes have been installed in the centre of an easement;

(ix) Certificate of Compliance from a Professional Engineer certifying that all works are completed according to the approved engineering drawings and specifications; and

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(x) confirmation from a Professional Engineer that all deficiencies have been corrected, including a list of all deficiencies with remedial action taken.

Acceptance of Primary and Secondary Services

18. The Subdivider agrees that:

(a) upon acceptance by the Engineer of the documentation and materials submitted pursuant to the foregoing, the Development Officer shall make final decisions on the approvals and shall notify the Subdivider that the Municipality accepts the primary or secondary services whereupon all roadway, roadbed, base course, surfacing, paving, curb and gutter, pipes, mains, lines, pumping equipment, conduits, drains, manholes and other facilities, structures and equipment comprising the primary or secondary services shall automatically vest absolutely in the Municipality and the Subdivider shall have no further interest, right or claim in respect thereof.

(b) the acceptance by the Municipality of the primary or secondary services shall not, however, in any way limit or restrict the liability of the Subdivider in respect of its obligations under this agreement relating to the design, construction and maintenance of the primary or secondary services and the indemnification of the Municipality under section 35 hereof or otherwise.

(c) until the acceptance of the primary services, the Subdivider shall:

(i) make the roadway passable for emergency access vehicles;

(ii) place over the sub-grade of the roadway a 5 cm layer of anti-dust treated surfacing gravel;

(iii) provide adequate surface drainage;

(iv) place temporary street name signs;

(v) provide a minimum cover of 1.5 m of back fill material over all water systems and water service pipes; and

(vi) prevent damage to and maintain the interior of the sewer, building sewer and water systems clean and free of obstruction.

Park Dedication

19. The Subdivider agrees that prior to approval of the final plan of Subdivision, the Subdivider shall provide a deed and certificate of title for Lot _____, as shown on the Plan of Subdivision, to the Municipality at no cost, as park dedication for the Subdivision if applicable.

Entry and Use

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20. The Subdivider agrees that:

(a) the Subdivider shall retain a "temporary right-of-use" authorizing the Subdivider, its servants, agents, employees, contractors and sub-contractors, to enter upon the lands for the purpose of developing Lot _____ (hereinafter called "the site") in accordance with the approved design;

(b) the terms of the "temporary right-of-use" shall continue for the term of the construction time schedule;

(c) the Subdivider shall have the privilege at any time and from time to time during the term of this Agreement to enter upon, use and occupy Lot _____ for purposes of developing the site in accordance with the approved design for use as public parkland. The subdivider will be responsible for all costs related to any required preparation and development of the site; and

(d) HRM shall make the site available to the Subdivider on an "as is" basis. The Subdivider shall erect barricades and temporary fencing around the site while under construction. In addition, prior to construction, the Subdivider shall implement all erosion and sediment control measures as outlined on Drawing No. _____, prepared by _____, dated _____.

Restricting Use

21. The Subdivider agrees to exercise due diligence with respect to properly restricting the use of the site by the public through the use of appropriate signage during stages of construction informing the public about the nature of the project and the construction duration.

Indemnity

22. The Subdivider agrees to indemnify HRM, its officers, employees, licensees, tenants and invitees and save it harmless from and against any and all claims, actions, damages, liability and expenses in connection with loss of life, personal injury and/or damage to property arising from or out of the use of the site by the Subdivider, its servants, agents, employees, contractors and subcontractors except for any such claims, actions, damages, liability and expense arising from the negligence or wilful misconduct of HRM or those for whom it is in law responsible.

Insurance

23. The Subdivider shall provide HRM with proof, satisfactory to HRM, that it carries and has in full force and effect, public liability insurance in respect of injury of one or more persons, and the property damage insurance in connection with the use of the site in an amount not less than $2,000,000. HRM and its Agents shall be Named Additional Insured on all Tenant insurance certificates;

Copies

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24. The Subdivider agrees to supply, upon request, a copy of this agreement and Subdivision Grading Plan, where applicable, but not including the Engineering Design Drawings to every purchaser of land within the Subdivision;

Signs

25. The Subdivider agrees:

(a) to construct temporary signs at the entrance to the Subdivision showing the layout and identification of all streets, lots and public open spaces within the Subdivision:

(b) to construct lot identifier signs on each lot within the Subdivision; and,

(c) that the Subdivision entrance signs shall not be less than 1.8 m by 1.2 m and the lot identifier signs shall not be less than 20 cm by 20 cm.

Security Reductions

26. The Subdivider agrees to reductions in the amount of the performance securities may only be considered in accordance with Section 128 of the *Regional Subdivision By-law*.

Options A, B or C

27. (1) The Municipality agrees that:

(a) if Option A is used, upon completion and acceptance of the parkland dedication and the primary services and the filing of the security and upon compliance with all the requirements of the *Regional Subdivision By-law* and this agreement, the Development Officer shall approve the final Plan of Subdivision;

(b) if Option B is used, upon compliance by the Subdivider with all the requirements of the *Regional Subdivision By-law* including parkland dedication, this agreement and the filing of the required securities, the Development Officer shall approve the final Plan of Subdivision; and

(c) if Option C is used, upon completion and acceptance of the parkland dedication and the primary and secondary services and the filing of the required securities, the Development Officer shall approve the final Plan of Subdivision.

(2) The Municipality further agrees that upon written request from the Subdivider, the Development Officer may allow the Subdivider to switch among Options A, B and C provided the owner deposits with the Municipality the performance security amounts specified in sections 11, 13 or 15 hereof.

Release of Performance Security

28. The Municipality agrees that upon written request from the Subdivider, the Development Officer may, from time to time, release a portion of the performance security, in accordance with the terms of Section 128 of the *Regional Subdivision By-law*.

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Services are Ready for Acceptance

29. The Subdivider agrees to notify the Development Officer, in writing, when services are ready for acceptance by the Municipality and the Water Commission.

Acceptance of Primary Services

30. The Municipality agrees:

(a) upon acceptance of the primary services, the Municipality will provide snow ploughing, garbage collection, police and fire protection;

(b) to provide bonus payment in accordance with HRM asphalt specification requirements, where applicable;

(c) if Option A is used, upon acceptance of the parkland dedication and primary services, Building Permits will be issued upon application for construction on any of the approved lots, provided that all applicable codes, by-laws ordinances, etc., are met;

(d) if Option B is used, upon application, Building Permits will be issued for construction of any of the approved lots provided that all applicable codes, by-laws, ordinances, etc., are met. However, Occupancy Permits will not be issued until all primary services have been accepted by the Municipality; and

(e) if Option C is used, upon acceptance of the parkland dedication and primary and secondary services, Building Permits will be issued upon application for construction of any of the approved lots, provided that all acceptable codes, by-laws, ordinances, etc., are met.

Warranty Period

31. The Subdivider agrees that during the Warranty Period, the Subdivider shall repair the primary or secondary services and make such alterations and repairs thereto as are necessary in the reasonable opinion of the Engineer to ensure that the primary or secondary services does and will function properly.

32. The Subdivider further agrees to repair, replace or alter any part of the primary or secondary services that fails or is expected to fail to function properly in the reasonable opinion of the Engineer, or is damaged or destroyed by any cause whatsoever other than a wilful act of the Municipality or those for whom it is in law responsible.

33. (1) The Subdivider agrees that if at any time during the Warranty Period, any of the primary or secondary services fails to function or fails to function properly or the Engineer determines that any repairs or alterations to the primary or secondary services are required to ensure that the primary or secondary services does and will function properly, the Subdivider shall, within thirty (30) days after receipt of notice in writing from the Engineer, make such repairs or alterations or construct such additional facilities as may be required

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and if the Subdivider fails to do so, the Municipality may, but shall not be obligated to, make such repairs or alterations or construct such additional facilities.

(2) The Subdivider agrees that if the Municipality undertakes any such repairs or alterations or the construction of any additional facilities, the Subdivider shall be responsible for the cost thereof and the Subdivider shall reimburse the amount expended by the Municipality within fourteen (14) days after demand therefor by the Municipality.

34. (1) The Subdivider agrees that not more than three (3) months and not less than two (2) months prior to the end of the Warranty Period, the Subdivider, at his or her own cost, shall conduct a closed circuit television inspection of the complete storm drainage system and provide to the Engineer a video **(RC-Nov 09/21;E-Mar 19/22)** in an acceptable electronic format with respect to such inspections.

(2) The Subdivider agrees that:

(a) if, as of a result of the closed circuit television inspections, conducted pursuant to the preceding subsection or if at any other time within the Warranty Period, the Engineer determines that any repairs or alterations to the storm drainage system are required or any additional swales, catch basins or other drainage facilities are required to eliminate a drainage problem, the Subdivider shall, within thirty (30) days after receipt of notice in writing from the Engineer, make such repairs or alterations or construct such additional facilities as may be required and if the Subdivider fails to do so, the Municipality may, but shall not be obligated to, make such repairs or alterations or construct such additional facilities; and

(b) if the Municipality undertakes any such repairs or alterations or the construction of any additional facilities, the Subdivider shall be responsible for the cost thereof and the Subdivider shall reimburse the amount expended by the Municipality within fourteen (14) days after demand therefor by the Municipality.

Indemnity

35. The Subdivider agrees that if Options A or B are used, the Subdivider shall:

(a) maintain and repair all components of the primary and secondary services, including the provision of snow and ice removal and refuse collection, until such time as the Municipality has accepted the primary and secondary services in accordance with this agreement;

(b) indemnify the Municipality against all liabilities, costs, fines, suits, claims, demands and actions and causes of action of any kind for which the Municipality may be considered or become liable for by reason of the primary or secondary services not being completed and accepted; and

(c) (i) without limiting the generality of the Subdivider's responsibility to indemnify the Municipality, maintain and pay all premiums for general public

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liability insurance with a minimum coverage of $2,000,000, with the Municipality named as a joint insured party; and

(ii) furnish to the Municipality satisfactory written evidence that such insurance is in force and effect prior to approval of the final plan of subdivision.

36. The Subdivider hereby agrees to assume and does hereby assume liability for, and does hereby agree to indemnify, protect and save and keep harmless the Municipality, its agents, servants, employees and officers, from and against any and all liabilities, obligations, losses, damages, penalties, claims, actions (including negligence), suits, costs and expenses (including legal expenses) of whatsoever kind and nature imposed or assumed by, incurred by or asserted against the Municipality, or its agents, servants, employees or officers, in any way relating to or arising out of the failure by the Subdivider to observe or perform any condition, obligation, agreement, covenant or provision contained in this agreement to be observed or performed by the Subdivider or resulting from the breach of any representation or warranty contained herein on the part of the Subdivider.

Rights and Remedies on Default

37. The Subdivider agrees that:

(a) if, during construction of the primary or secondary services, the Subdivider fails to observe or perform any of the conditions or requirements to be observed or performed by the Subdivider under this agreement, then the Development Officer may, in addition to any other remedy available to the Municipality, by notice in writing sent by prepaid registered mail to the Subdivider at the latest address known to the Development Officer, order the cessation of work on the primary or secondary services;

(b) upon such notice being issued by the Development Officer under clause (a) of this section, the Subdivider shall immediately cease work on the primary or secondary services and shall not resume such work until satisfactory arrangements are made with the Development Officer to rectify the default by the Subdivider under this agreement;

(c) the Municipality shall be entitled to apply for an injunction from any court of competent jurisdiction to restrain the Subdivider from continuing work after a notice has been issued under clause (a) of this section by the Development Officer; and

(d) all administrative and other costs incurred by the Municipality in connection with any termination or cessation of the work pursuant to this section shall be the responsibility of the Subdivider who shall forthwith reimburse the Municipality for such costs upon demand by the Municipality.

38. (1) The parties agrees that if the Subdivider becomes insolvent or makes an assignment for the benefit of creditors, the Development Officer may declare that the Subdivider is in default of this agreement;

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(2) The parties further agrees that seven days after written notice of default signed by the Development Officer and sent to the Subdivider by certified mail, the Municipality may, at its option:

(a) enter upon the lands shown on the Plan of Subdivision and the Municipality, its servants, agents and contractors may complete any services, repairs or maintenance, wholly or in part, required to be done by the Subdivider, and shall collect the cost thereof together with an engineering fee of 10% of the cost of such materials and works, from the Subdivider, or deduct the cost thereof from securities on deposit, or recover the same by auction;

(b) make any payment which ought to have been made by the Subdivider, and upon demand, collect the amount thereof from the Subdivider, or enforce any security available to the Municipality, including performance security for the infrastructure charge pursuant to sections 10 or 12 of this agreement;

(c) make any payment which ought to have been made by the Subdivider, and upon demand, collect the amount thereof from the Subdivider, or enforce any security available to the Municipality;

(d) retain any sum of money heretofore paid by the Subdivider to the Municipality for any purpose and apply the same after taxes, in the payment or part payment, for any work which the Municipality may undertake;

(e) assume any work or services, at the option of the Municipality, whether the same are completed or not, and thereafter the Subdivider shall have no claim or title thereto or remuneration therefor;

(f) bring an action to compel the complete performance of all or part of this agreement or for damages; and

(g) exercise any other remedy granted to the Municipality under the terms of this agreement or available to the Municipality in law including the repeal of the final plan approval as outlined under the *Regional Subdivision By-law*.

(3) It is understood and agreed between the parties that such entry upon the land under subsection 2 of this section shall be as an agent for the Subdivider and shall not be deemed as acceptance or assumption of the service of the Municipality.

(4) Notwithstanding subsection 2 of this section, the parties agree that, in the case of an emergency, as determined by the Development Officer, the Municipality shall have the right to enter upon the lands of the Subdivider and to carry out the necessary maintenance and repair without notice to the Subdivider.

General Provisions

39. The Subdivider agrees to indemnify and save harmless, and keep indemnified and

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saved harmless at all times hereafter, the Municipality, from and against all claims, demands, actions, suits or other legal proceedings by whomsoever made or brought against the Municipality, in connection with work required to be done herein by the Subdivider, his contractors, servant or agents.

40. Time shall be the essence of this agreement.

41. This agreement and everything contained herein shall enure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF the parties have executed this agreement as of the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Subdivider)

Per:_____

_____

Per:_____

========== ==========

SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

HALIFAX REGIONAL MUNICIPALITY

Per:_____
Mayor

_____

Per:_____

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PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of_____, A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that_____, _____ of the parties thereto, signed, sealed and delivered the same in h presence.

_____
A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this day of_____, A.D. 20___, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that _____, Mayor and _____, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in h presence.

_____
A Commissioner of the Supreme Court
of Nova Scotia

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Schedule "A" – FORM-
(Construction Schedule)

Construction Time Schedule

Stage	Month				Month				Month				Month				Month			
Primary Services																				
Clearing																				
Grubbing																				
Drill & Blast																				
Servicing																				
Subgrade																				
Gravel																				
Curb & Gutter																				
Base Lift of Asphalt																				
Pre-acceptance package for Halifax Water																				
Secondary Services																				
Top lift of Asphalt																				
Sidewalk																				
Sod & Trees																				
Clean Up																				
Other																				
Park Site Preparation/Development																				

Scheduled Commencement Date _____

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Scheduled Completion Date _____

Subdivision File #:
Subdivision Name:

Schedule "B" - FORM
(Grant of Easement)

THIS GRANT OF EASEMENT made this ____day of _____, A.D., 20___.

BETWEEN: _____,

hereinafter called the "GRANTOR"

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a body corporate,

hereinafter called the "GRANTEE"

OF THE SECOND PART

WHEREAS certain lands have been or may be graded or excavated in the future to facilitate the conveyance of storm water, sanitary sewage, potable water, or natural gas in the area of the Grantor's lands and which further may entail the installation of ditches, swales, pipelines, conduits, mains, manholes or catch basins to facilitate the conveyance of storm water, sanitary sewage, potable water or natural gas;

AND WHEREAS the above systems will benefit the lands in the area, including the Grantor's lands;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH THAT in consideration of the installation of the above system in the area of the Grantor's lands and the sum of One Dollar ($1.00) receipt of which is hereby acknowledged the Grantor agrees as follows:

1. The Grantor hereby grants to the Grantee the right at any time to enter upon the lands described in Schedule "___" attached hereto to grade or excavate said lands and to construct, reconstruct, operate, remove, repair or maintain the aforementioned ditches, swales, pipelines, conduits, mains, manholes or catch basins for the conveyance of storm water, sanitary sewage, potable water or natural gas upon, over, in, across, through and under the said lands and of keeping and maintaining the same together with all necessary appurtenances thereto at all times in good condition and repair, for every such purpose the

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Grantee shall have access to the said lands at all times by its servants, agents, employees and workmen;

2. The Grantor agrees that the Grantee shall have, at all times, the right of access to the said lands for the purposes of operating and maintaining the said system and to this end the Grantor will keep the said easement free and clear of all encumbrances and structures so as to afford access to the said system by the Grantee at all times and shall not without the Grantee's express permission alter the grades, soil and sodding situate within the aforesaid easement.

3. The Grantor agrees with the Grantee to at all times maintain the exterior portions of the aforementioned systems including any exterior appurtenances situate on the lands of the Grantor including but not limited to catch basins and pipe inlets.

4. This easement and the provisions contained herein are binding upon the parties hereto and enure to the benefit of and are binding upon their respective heirs, administrators, executors, successors and assigns.

IN WITNESS WHEREOF the Grantor has executed this agreement on the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

_____ _____

PROVINCE OF NOVA SCOTIA
HALIFAX REGIONAL Municipality SS

On this ____ day of_____ , A.D., 20___, the subscribers personally came and appeared, _____a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that_____, one of the parties thereto, signed, sealed and delivered the same in his presence.

_____
A Commissioner of the Supreme Court
of Nova Scotia

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PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this day of_____, A.D. 20___, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that _____, Mayor and _____, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in the presence.

_____
A Commissioner of the Supreme Court
of Nova Scotia

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Schedule "C" - FORM
(Consent to Discharge Stormwater)

THIS INDENTURE made this_____ day of_____, A.D. 20___.

BETWEEN: _____,
hereinafter called the ``Grantor``

OF THE ONE PART

- and -

HALIFAX REGIONAL MUNICIPALITY,
a body corporate
hereinafter called the ``Grantee``

OF THE OTHER PART

WHEREAS the Grantor is the owner of the lands and premises described in Schedule ``A`` which is located immediately to the _____ (North, South, East, West) of _____ Subdivision, _____, Halifax Regional Municipality, Province of Nova Scotia.

AND WHEREAS the Grantor has agreed to grant the right to storm water drainage from the public streets or highways within the _____ Subdivision over the lands of the Grantor by entering into this agreement.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the sum of one dollar ($1.00) now paid by the Grantee to the Grantor (receipt of which is hereby acknowledged) the Grantor does grant, convey, release, assign and confirm unto the Grantee, its successors and assigns the right to an easement and rights:

1. to allow storm water to flow onto the adjacent lands of the Grantor, more accurately described in Schedule A attached hereto;

2. not to do or allow anything on the land to divert, obstruct or interfere with the flow of such storm water over the lands described in Schedule A without the prior written consent of the Grantee.

The Grantee covenants that upon the creation of new public streets or highways upon the affected lands of the Grantor to the end that drainage from municipal streets or highways within _____ Subdivision can be directed into any storm drainage system approved by the Municipality within or under such new streets or highways on the said lands presently owned by the Grantor or others, the grantee will upon presentation to it of a suitable form of release, relinquish its rights to drainage granted herein over all or a portion of the lands which are affected by the new public street or highway.

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The Easement herein is declared to be appurtenant to and exists for the benefit of municipal public streets or highways of the Grantee within _____ Subdivision, and said lands of the Grantor described in Schedule "A" hereto and referred to herein are made subject to this easement.

This easement and the provisions contained herein are binding upon the parties hereto and enure to the benefit of and are binding upon their respective heirs, administrators, executors, successors and assigns.

The lands to be affected by this easement are the lands described in Schedule "A" attached to this Indenture.

IN WITNESS WHEREOF the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

_____

==========

(Owner)

Per:_____

Per:_____

==========

SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

_____

HALIFAX REGIONAL MUNICIPALITY

Per:_____
Mayor

Per:_____
Clerk

DRAFT

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____ , A.D. 20____, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____, _____ of the parties thereto, signed, sealed and delivered the same in h presence.

_____
A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this day of _____, A.D. 20___, before me, the subscriber personally came and appeared _____ the subscribing witness to the foregoing indenture who being by me sworn, made oath, and said that _____, Mayor and _____, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in h presence.

_____
A Commissioner of the Supreme Court
of Nova Scotia

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Schedule "D" - FORM
(Certificate of Title)

(LAWYER'S LETTERHEAD)

CERTIFICATE OF TITLE

TO: Halifax Regional Municipality DATE:_____

RE: (Brief Description of Property)

_____(the "Property")

OWNER: _____(the "Owner")

We hereby certify that we have examined the title of the Owner to the Property by referring to the indices and records duly recorded at the Registry of Deeds / Land Registration Office in Halifax and have found that as of the date hereof the Owner has good and marketable title to the Property, free and clear of all judgements, charges, municipal taxes and other encumbrances so far as the indices and records show, subject to the following:

1. We have not examined the Property on the ground and consequently express no opinion and give no certificate as to the actual location of any buildings thereon or as to the actual boundaries of the Property or any encroachments therein;

2. Our Certificate is based solely on the records on file at the Registry of Deeds / Land Registration Office in Halifax and we do not certify as to any interests, easements or encumbrances obtained or imposed by possession, statute or other unregistered means;

3. Our Opinion is subject to any restrictive covenants, easements or rights-of-way for municipal services or other utilities which do not materially affect enjoyment of the Property;

4. No search, inquiry or verification has been undertaken with respect to the subdivision status or zoning of the Property or compliance with building codes, municipal by-laws or federal or provincial laws regulating any buildings or structures on the Property or the use thereof;

5. Other qualifications, if any:

LAW FIRM: _____
PER: _____

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Appendix "1" - WATER SERVICES AGREEMENT
(SAMPLE OR COPY ONLY DO NOT ATTACH ORIGINAL DOCUMENT)

Attach executed Water Services Agreement here

Indicate if not applicable

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~~Appendix 2~~ **– Deleted (RC-Jun 21/16;E-Jul 30/16)**

APPENDIX 3: PARK DEDICATION AGREEMENT

THIS AGREEMENT made this ____ day of _____, A.D., 20____.

BETWEEN:

_____

(hereinafter called the "Subdivider")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY

(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Subdivider is the owner of certain lands within the Municipality forming part of the _____ Subdivision (hereinafter called "the Subdivision"), in _____, in Halifax County; which said lands are recorded at the Registry of Deeds for Halifax Regional Municipality as Document Number _____ in Book _____ at page _____;

AND WHEREAS the Subdivider has caused to be prepared a plan of Subdivision by _____, NSLS, dated _____ and showing thereon, inter alia, Lots _____, (hereinafter called the "Lots"), and also showing thereon, _____ as the public street or highway;

AND WHEREAS the Subdivider has submitted the said plan of Subdivision to the Municipality requesting endorsement of approval of the Lots as shown on the said plan;

AND WHEREAS the *Subdivision By-law* of the Municipality, pursuant to sections 271 and 273 of the *Municipal Government Act*, requires that an amount of land be reserved for park, playground and similar purposes;

WITNESS THAT in consideration of the sum of $1.00 now paid by the Subdivider to the Municipality (the receipt of which is hereby acknowledged);

The Subdivider covenants and agrees:

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1. To reserve a parcel of land of an area of no less than _____m^2, for park dedication or similar public recreation purposes as provided for in section 82 of the *Subdivision By-law* and sections ____ and ____ of the *Municipal Government Act*, such lands hereinafter called the "Public Parkland"; This will satisfy the park dedication requirement for the Lots.

   The Public Parkland must be located in an area of the Subdivision and be considered acceptable by the Municipality for recreational purposes. If the land is acceptable by the Municipality but requires upgrading, the cost of same will be solely the responsibility of the Subdivider.

2. To transfer and convey, where the Municipality agrees to accept, the Public Parkland by Warranty Deed on or before _____.

3. Notwithstanding the requirements of sections 1 and 2 of this agreement, the Subdivider agrees to post security in favour of the Municipality equal to 10% of the assessed market value of the Lots, in the amount of_____ at the time of signing this agreement. The said security may be in the form of cash, certified cheque, or letter of credit issued by a surety or guarantee company licensed by the Province of Nova Scotia, and shall be conditional upon the execution and completion of sections 1 and 2 hereof. The said security shall not be subject to cancellation, termination or expiration.

4. It is agreed by the parties hereto that in the event the Subdivider fails to comply with the requirements of sections 1 and 2 of this agreement on or before _____, the Municipality, without notice to the Subdivider, shall consider the security to have been forfeited in lieu of the agreed upon park dedication and this agreement shall be deemed to be null and void.

MATTERS INCIDENTAL TO THIS AGREEMENT

5. This agreement shall run with the land and be binding upon the Subdivider, his heirs, executors, administrators, assigns, mortgagees, lessees and successors.

6. The Subdivider shall pay all costs and expenses that arise as a result of this agreement.

7. The provisions of this agreement are severable from one another, and if any provision herein contravenes the law of Nova Scotia or of any jurisdiction where this agreement is to be performed, such provision shall be deemed not to be a part of this agreement, and such an event shall not void or affect any remaining provisions of this agreement.

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IN WITNESS WHEREOF the parties hereto have set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

_____

==========

(Owner)

Per:_____

Per:_____

==========

SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

_____

HALIFAX REGIONAL MUNICIPALITY

Per:_____
Mayor

Per:_____
Clerk

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APPENDIX 4: PRIMARY SERVICES - STAGE I

Description	Units	Quantity	Unit Price	Total
Construction of concrete curb & gutter with 6" thick gravel base				
Construction of asphalt curb				
Street name signs, standards and bases				
Traffic signs, standards and bases				
Adjustment of existing street hardware structures: a) water valve b) manhole frame & cover c) catch basin, frame & cover				
Supply, spread and compact roadway gravel base: a) ____@ Type 2 (2" size) b) ____@ Type 1(1" size) c) other				
Supply & apply roadway primer				
Supply, spread, compact & roll asphalt pavement: a) ____@ Mix Ivb b) ____@ Mix Ivc c) ____@ Mix Ivd d) other				
Other Work: a) _____ b) _____				
Streets (Subgrade): Fill, compact & grade with selected on-site materials				
Fill compact & grade with selected off-site materials.				
Supply, spread, compact & grade granulars Type 1 (1") Type 2 (2")				
Supply and apply Type B asphalt				
Supply and install driveway culverts				
Supply & apply anti-dust roadway material				
Miscellaneous Work:				

TOTAL $ _____

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APPENDIX 5: PRIMARY SERVICES - STAGE II

Description	Units	Quantity	Unit Price	Total
Construction of concrete curb & gutter with 6" thick gravel base				
Construction of asphalt curb				
Street name signs, standards and bases				
Traffic signs, standards and bases				
Adjustment of existing street hardware structures: a) water valve b) manhole frame & cover c) catch basin, frame & cover				
Supply, spread and compact roadway gravel base: a) ____@ Type 2 (2" size) b) ____@ Type 1(1" size) c) other				
Supply & apply roadway primer				
Supply, spread, compact & roll asphalt pavement: a) ____@ Mix Ivb b) ____@ Mix Ivc c) ____@ Mix Ivd d) other				
Other Work: a) _____ b) _____				
Street Lights: Excavate, form and pour concrete bases				
Excavate, supply, install & backfill underground conduit structure				
Supply & Install ornamental poles				
Supply & Install light fixtures				
Supply & install wooden poles for street lights				
Other Work: a) _____ b) _____				

TOTAL $ _____

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APPENDIX 6: SECONDARY SERVICES (RC-Jan 13/15;E-Mar 14/15)

Description	Units	Quantity	Unit Price	Total
Sidewalks, Sodding & Bus Bays Filling with approved common material between curb & street line				
Landscaping between curb & street line: a) sodding with 4" topsoil b) seeding with 6" topsoil c) trees (one per lot)				
Construction of reinforced concrete bus bay pad				
Construction of 5' wide 4" thick concrete sidewalk with 6" thick gravel base				
Construction of 6" thick concrete sidewalk and driveway ramp with 6" thick gravel base				
Other Work: a) _____ b) _____				
Walkway: Cutting & removal of trees				
Clearing & grubbing				
Excavation & grading				
Filling & grading				
Surface Treatment: a) 6" thick gravel at 12' width b) 2" thick asphalt incl. 6" thick gravel base at 6' width				
c) 4" thick concrete incl. 6" thick gravel base at 6' width				
Fencing (Type) a) Wood b) Street (chain link) c) Iron (ornamental)				
Landscaping (3 ft. each side) a) sodding with 4" topsoil b) seeding with 6" topsoil				
Drainage installations a) swale b) culvert c) catch basin				
Streets Supply and apply Type C asphalt				
Street lights				

TOTAL $ _____

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APPENDIX 7: COST ESTIMATES SUMMARY

Summary of Costs for the Construction of Subdivision Services

Subdivision Name:_____.

Location: _____.

Plan No.s:_____

_____.

Developer=s Name and Address: _____

_____.

Owner=s Name and Address: _____

_____.

ITEM DESCRIPTION	COST ($)
Primary Services - Stage I	$
Primary Services - Stage II	$
Secondary Services	$
Engineering Services	$
Park Site Preparation/Development (RC-Jan 13/15;E-Mar 14/15)	**$**
HST	$
Miscellaneous Work	$

Total Servicing Cost $ _____

Contingency (10% of Total Servicing Cost) $ _____

Total Value of Performance Security $ _____

_____ _____

Consulting Engineer Approved, Development Officer

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APPENDIX 8: SUMMARY OF SECURITY REDUCTIONS

First Reduction

This release of a portion of the security shall be conditional upon the satisfactory completion and verification of primary services - stage I.

The amount of this release shall be calculated as follows:

total cost of primary services - stage I x 110% $ _____

minus: total cost of primary services - stage I x 10% $ _____

equals: amount of first security reduction $ _____

Second Reduction

This release of a portion of the security shall be conditional upon the completion and acceptance of all primary services along with the submission of warranty security, representing 10% of the cost of all primary services.

The amount of this release shall be calculated as follows:

total cost of primary services - stage II x 110% $ _____

plus: 10% hold back on cost of primary services - stage II $ _____

equals: amount of second security reduction $ _____

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APPENDIX 9: SECURITY FORMAT

Name of Bank:_____ Date Issued:_____
Branch:_____ Address:_____
Letter of Credit No._____Amount:_____

Issued subject to the Uniform Customs and Practices for Documentary Credits being ICC Publication UCP 500.

To: HALIFAX REGIONAL MUNICIPALITY
Address: P.O. Box 1749, Halifax, NS B3J 3A5

(Name of Bank), being a Schedule 1 or Schedule 2 chartered bank
for the account of_____(Name of Customer)

UP TO AN AGGREGATE AMOUNT OF_____Dollars ($ _____) available on demand.

PURSUANT TO THE REQUEST OF our Customer:_____
we the_____(Name of Bank)
hereby establish and give you an irrevocable Letter of Credit in your favour in the above amount which may be drawn on by you at any time and from time to time, upon written demand for payment made upon us by you which demand we shall honour without enquiring whether you have the right as between yourself and the said Customer to make such demand, and without recognizing any claim of our said Customer, or objection by it to payment by us.

DEMAND shall be by way of a Letter signed by the Clerk of the Municipality under the corporate seal attached to which shall be the original Letter of Credit. Presentation shall be made to the Bank at:_____(Address)

THE LETTER OF CREDIT, we understand, relates to those obligations as set forth in the Subdivision By-law and a Subdivision agreement between _____ and the Halifax Regional Municipality.

THE AMOUNT of this Letter of Credit may be reduced from time to time as advised by notice in writing to the undersigned by the Clerk of the Municipality.

THIS LETTER OF CREDIT will continue in force for a period of one year, but shall be subject to the condition hereinafter set forth.

IT IS A CONDITION of this Letter of Credit that is shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing by registered mail that we elect not to consider this Letter of Credit to be renewable for any additional period.

DATED at _____, Nova Scotia this the _____day of _____, 20____.

COUNTERSIGNED BY:
(NAME OF BANK)

DRAFT

per _____
Authorized Signing Officer

REGIONAL SUBDIVISION BY-LAW

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective Date
1.	**Amend** – Section 3(v), 3(x), 3(ae); Section 9(3); Section 82(1); Section 126(1), 126(2)(a)(b)(c); Section 130(v)(xii); Appendix 1, Section 2(h), 2(i), 2(k)(N), 3(a)(b)(c)(g)(i); Schedule A; Appendix 6 by deleting words **Park Site Development / Preparation**; Appendix 7 by adding the words **Park Site Preparation / Development** **Add** – Section 3B **Delete** - Section 128(3)(b)	Case 19282	RC – January 13, 2015	E – March 14, 2015
2.	**Add** – Section 43A – Lot Frontage	Case 19413	RC - September 8, 2015	E – November 7, 2015
3.	**Add –** Sections 12A and 12B (Noise Exposure Forecast 30 Contour); Schedule O – Noise Exposure Forecast 30 Contour	Case 01192	RC – January 26, 2016	E – April 2, 2016
4.	**Amend –** Schedule B – Service Requirement Map – to extend the Water Service Area to PID's: 41043597, 41398694 & 41401159	Case 20264	RC – May 24, 2016	E – June 25, 2016
5.	**Amendments** as follows**:** - Responsibility for streetlight installation to be reassigned from the Municipality to private development industry; - Reduction in the amount of audit inspection fees from 2% to 0.5%; - Extending the length of the warranty period for primary and secondary services from 12 months to 24 months; - Removal of subdivision processing fees from the By-law to Administrative Order No. 15, Respecting License, Permit and Processing Fees; - To introduce standard lot design requirements; - Various housekeeping amendments to help clarify by-law regulation. - Schedule B – Service Requirement Map	Case 19507	RC – June 21, 2016	E- July 30, 2016
6.	**Amend** Schedule B – Service Requirement Map -to extend the Fall River Water Service Area	Case RP16-05	RC August 15, 2017	E- September 30,2017
7.	**Add** Section 63(a)	Case 20589	RC – October 2, 2018	E – November 24, 2018
8.	**Added** Section 32A	Regional Centre Plan – Pkg A	RC – September 18, 2019	E – November 30, 2019

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9	**Amend –** Schedule "B"; Section 9 (1); **Insert** Section 12C	Case 21875 – AKOMA Lands	RC – May 4, 2021	E – June 05, 2021
10.	**Amend –** Section 3A, 23, 24, 117, 130(c)(iii), 130(c)(iv); 131 (c)(i); Appendix 1, Subclause 17(c)(i), Subsection 34(1)	MDCs – AO -2020-003-OP	RC – November 9, 2021	E – March 19, 2022
11.	**Amended** Schedule B, Service Requirement Map; Definition Clause 3(e), 3(n); Subsection 10(1); Section 34; Table B; Subsection 83(1) Clause (d); Subsection 87(1); Subsection 91(1)(c); Section 94(a), Section 97; Section 103, Section 104; Clause 104(g), Clause 111(c), (sb); Section 117; Section 129(a), (b) **Repealed Clause** 88(c)(ii)(iii); Subsection 91(1)(a)(b); Section 94(b); Section 100(a); Section 101(b); Section 106(a); Subsection 110(1)(b); Clause 124(c)(i)(ii)(iii)(iv) **Added** Clause 88(c)(iv)(v); Subsection 91(1)(e); Section 100(d) Section 106(e); Clause 124(c)(v), (vi)	Case 22257 (Regional Plan – Phase 3)	RC – October 11, 2022	E – November 16, 2022
12.	**Amended** Clause 104(g) **Repealed** Clause 88(c)(i)	Case 22257 (Regional Plan – Phase 3)	RC – October 11, 2022	E – December 28, 2022
13.	**Amended** Schedule B, Service Requirement Map, by expanding the Urban Service Area boundary onto the entire property of PID 40198145 on First Lake Drive, Lower Sackville **Repealed** Sections 32 and 32A	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	RC – May 23, 2024	E - June 13, 2024
14.	**Amended** Clause 3(af), Section 108(1), 108(2), Clause 127(1)(i), Subsection 128(1), Clause 129(a), Section 3(c), Section 5(1)(a), Section 9, Subsection 16(1)(b) **Repealed** Section 108(2)(a)(b), Section 3(d) **Added** Subsection 16(1)(c), Section 17(ba)	Regional Subdivision By-law – Security Options and Inspection Fees	RC – October 1, 2024	E – November 1, 2024

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